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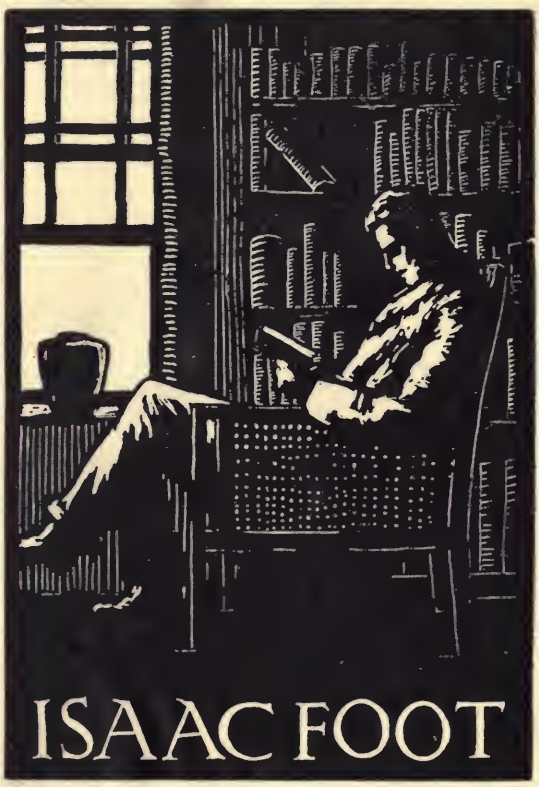

1911

Franz Muller

NOTABLE ENGLISH TRIALS.

The Stauntons. Edited by J. B. Atlay, M.A., Barrister-at-Law.

Franz Muller. Edited by H. B. Irving, M.A.(Oxon).

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Lord Chief Baron Pollock

(From a Photograph by Maull & Fox, London).

Trial of

Franz Muller

Edited by

H. B. Irving, M.A.(Oxon)

Author of "The Life of Judge Jeffreys," "French Criminals of the Nineteenth Century," "Occasional Papers"

EDINBURGH AND LONDON

WILLIAM HODGE & COMPANY

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1911

TO THE RIGHT HONOURABLE

THE EARL OF HALSBURY,

SOME TIME LORD CHANCELLOR OF ENGLAND,

THE ONLY SURVIVOR, AND THE MOST ILLUSTRIOUS

OF THE MANY DISTINGUISHED LAWYERS

WHO TOOK PART IN THIS TRIAL,

THIS VOLUME IS

BY KIND PERMISSION

RESPECTFULLY DEDICATED

BY

THE EDITOR.

PREFACE.

The present report of the trial of Franz Müller is taken from that published in the *Daily Telegraph*, which has been carefully collated with the report of the evidence as given in the "Central Criminal Court Sessions Paper," vol. lix., part 360.

There is a fairly full report of the trial, and the summing up of the Lord Chief Baron in the "Annual Register" for 1864, vol. cvi. References to Müller's case will be found in Major Arthur Griffiths' "Chronicles in Newgate," vol. ii., pp. 417 and 448, and "Mysteries of Police and Crime," vol. i., p. 402. The murder of Mr. Briggs and other railway outrages are dealt with in volume ii., chapter 25, of Pendleton's "Our Railways" (1896). There is an account of Müller in a little volume, "Celebrated Crimes and Criminals," published in 1890, under the signature "W. M." I am at liberty to divulge the fact that "W. M." is my friend Mr. Willoughby Maycock, C.M.G., and to his kindness I owe the copy of the correspondence given in Appendix IV. relating to Müller's confession on the scaffold.

I am indebted to the courtesy of friends in preparing the illustrations for this volume; to Mr. Ernest Pollock, K.C., M.P., for helping me to obtain a photograph of Chief Baron Pollock; to the Hon. Malcolm Nacnaghten, who kindly got me Lord Macnaghten's permission to have the portrait of Baron Martin photographed for this volume; to Judge Parry for lending me a photograph of his father; and to Mr. Harry Furniss for his sketch of the "Müller hat." I would thank, too, the Hon. John Collier for his courtesy in allowing me the use of a photograph of his father, Lord Monkswell, for reproduction, and Professor Harvey Littlejohn, of Edinburgh, who has permitted the reproduction of the police bill for the apprehension of Lefroy.

The account of Dickman's trial has been taken from the *Newcastle Daily Chronicle* reports of the various proceedings in the case.

PREFACE.

If justification were needed for the publication of the reports of these famous trials it would be found in the words of Edmund Burke, quoted by George Borrow, in the edition of "Celebrated Trials," of which he was the author. But, apart from their historical or psychological interest, to which Burke does ample justice, the full and accurate reports of great criminal trials must be of some practical value to any student who would acquaint himself with actual examples of forensic eloquence, the examination and cross-examination of witnesses, the conduct of a case, the function of judge and counsel, and the administration of our criminal law. H. B. I.

LONDON, *May*, 1911.

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FRANZ MULLER.

INTRODUCTION.

On the night of Saturday, the 9th of July, 1864, a suburban train on the North London Railway left Fenchurch Street station for Chalk Farm at 9.50. It left the next station, Bow, at 10.1; Hackney Wick or Victoria Park, at 10.5; and arrived at Hackney about six minutes later. At the last station two bank clerks, who had taken tickets for Highbury, opened the door of a compartment of a first-class carriage. The carriage was empty. The two men got in and sat down. They had hardly done so when one called the other's attention to some blood on his hand. They alighted immediately from the carriage, and called the guard of the train. He examined the compartment, and discovered stains of blood on the cushions of the seat which backed to the engine on the left-hand side of the train going from London. There was blood on the glass by the cushion, some marks of blood on the cushion opposite, and on the offside handle of the carriage door. In the carriage the guard found a hat, stick, and bag. These he took out, the carriage was locked up, taken to Chalk Farm station, and later brought back to Bow.

About twenty minutes past ten on the same night the driver of a train of empty carriages from Hackney Wick to Fenchurch Street noticed a dark object lying on the 6-foot way between the Hackney Wick and Bow stations. He stopped the train, alighted from the engine, and found that the dark object was the body of a man. He was lying on his back between the up and down lines, his feet towards London and his head towards Hackney, at a spot about two-thirds of the distance—1 mile 414 yards—between Bow and Hackney stations. The body was taken to a neighbouring public-house, and a doctor summoned. He found that the unfortunate man was alive, but completely unconscious, that his skull had been fractured, and several

wounds inflicted on his head, presumably by some blunt instrument, while there were a number of jagged wounds near the left ear.

The victim of this apparently atrocious assault was soon identified as Mr. Thomas Briggs, chief clerk in the bank of Messrs. Robarts & Co., of Lombard Street. Mr. Briggs remained unconscious until late the following night, when he expired. At the time of his death he was close on seventy years of age, a gentleman greatly trusted and respected by his employers, and held in high esteem by a large circle of friends. He resided at Victoria Park, and was a frequent traveller between Fenchurch Street and Hackney Wick, or Victoria Park, station. On the evening of 9th July Mr. Briggs had dined with some relations, and left their house at Peckham, carrying a black bag and walking stick, about half-past eight. He had walked from there to the Old Kent Road, where he had taken an omnibus to King William Street for the purpose of getting to Fenchurch Street station. At Fenchurch Street Mr. Briggs was seen and spoken to by the ticket collector, who knew him well, as he passed through with his ticket to enter the 9.50 train for Hackney Wick. From that moment Mr. Briggs had been seen by no one until he was found insensible on the railway.

In the blood-stained carriage a bag, a stick, and a hat had been found. The bag and stick were both recognised as having belonged to Mr. Briggs, and been in his possession when he quitted his friend's house, but the hat was not his. The tall hat worn by Mr. Briggs had disappeared; the hat found in the carriage was a black beaver hat, but lower in the crown than the ordinary high hat such as Mr. Briggs was in the habit of wearing. Inside the hat was the name of the maker, "Mr. J. H. Walker, 49 Crawford Street, Marylebone."

This hat seemed to be the only possible clue to the identity of the assailant, for that Mr. Briggs had been the victim of a foul murder there could be no reasonable doubt. No weapon capable of inflicting the injuries on the head of the murdered man had been found; but it was thought possible, though by no means certain, that, wielded by a powerful arm, these might have been inflicted by Mr. Briggs's walking stick, which was large, heavy, and stained with blood. From the appear-

ance of the compartment it seemed likely that Mr. Briggs had been attacked while dozing, with his head against the corner of the carriage. Though nearly seventy years of age, he was described as a stout, stalwart man, who, had he been fully alert, would no doubt have made a desperate resistance. Whether he had been thrown on the line by his assailant or had struggled and fallen from the carriage in his endeavour to escape was a matter of conjecture, though here, again, the probability was that he had been flung on the line. Robbery had been the motive of the crime; though some £5 in money had been left in the pockets of the murdered man, his gold watch and chain, and gold eye-glasses were missing, only the gold fastening of the watch chain being left attached to the waistcoat.

Great public interest and indignation were aroused by the crime. It was the first murder on an English railway, of a character very alarming to a public less inured to such crimes than we are to-day. The Government and Messrs. Robarts' Bank offered each a reward of £100 for the discovery of the murderer, and these offers were followed shortly after by another £100 from the North London Railway. The first clue to the identity of the murderer was furnished by a jeweller of the not inappropriate name of Death. He stated that on the morning of Monday, the 11th of July, a man of about thirty years of age, of sallow complexion and thin in feature, apparently a German, but speaking good English, had called at his shop in Cheapside, and had exchanged for a gold chain and a ring to the total value of £3 10s., a gold albert chain, which Death recognised from the published description as the chain worn by Mr. Briggs on the night of his murder. He described the man as having been perfectly self-possessed during the quarter of an hour he was in his shop, but noticed that he placed himself all the time in such a position as not to be exposed to a full view.

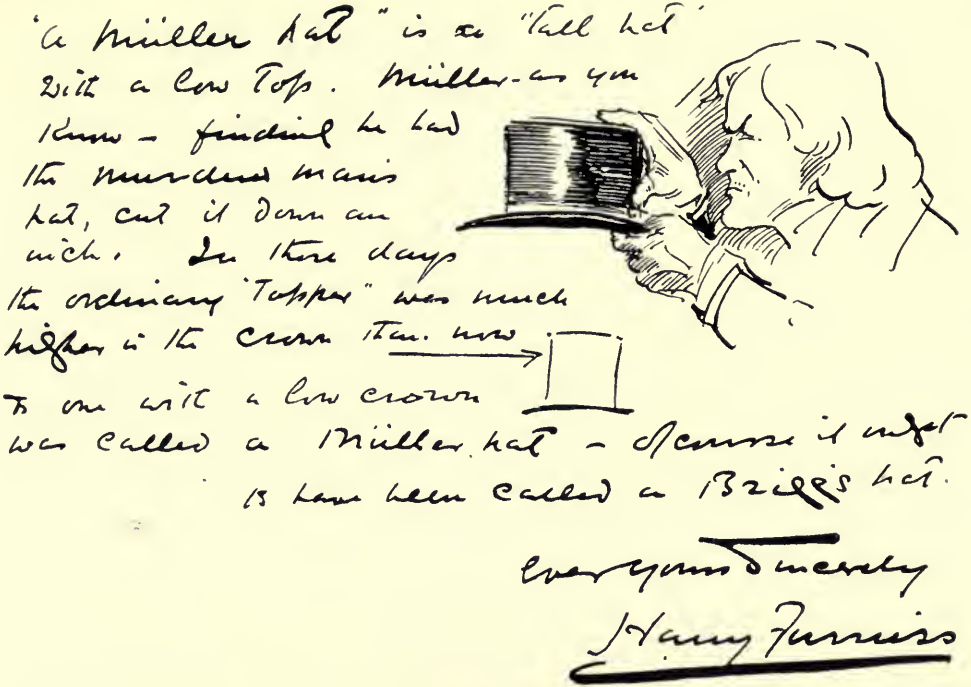
For another six days rumour was busy and speculation rife as to the nature of the crime and the identity of the murderer. Some suggested that the crime had been an act of revenge on the part of an employee of Messrs. Robarts' Bank whom Mr. Briggs had, in the course of his duty, seen fit to discharge. But on the 18th of July a cabman named Jonathan Matthews made a statement to the police, which seemed to indicate clearly

the identity of the perpetrator of the crime. Matthews, who appears to have been a man of very moderate intelligence, and certainly no great reader, had, according to his own account, heard nothing of the murder that was agitating all London, until talking of the crime with a man on the cab rank, his attention was arrested by the name of the jeweller Death. He then recollected that he had seen in his own house a few days previously a jeweller's cardboard box bearing the rather singular name of Death. This box had been given to his little girl by a young German of the name of Franz Müller. Müller had been at one time engaged to one of Matthews' daughters, but, owing to his unreasonable jealousy, the engagement had been broken off.

Müller was a native of Saxe-Weimar, twenty-five years of age. Apprenticed as a gunsmith in his native country, he had come over to England about two years before the murder of Mr. Briggs. Failing to get work as a gunsmith, he had turned tailor, and had been working up to the 2nd of July in the employment of a Mr. Hodgkinson. Müller was not satisfied, however, with the conditions of work in England, and had declared his intention of going away to seek his fortune in America. In accordance with this intention he had left England on Friday, the 15th of July, by the sailing ship "Victoria," bound from the London Docks for New York.

The cabman Matthews supplied the police with another link in the chain of evidence against Müller. He identified the hat found in the railway carriage as a hat which he had himself purchased for Müller at the shop of a Mr. Walker in Crawford Street, Marylebone. He was able to supply the police with a photograph of Müller, and the address of the house in which Müller had been lodging immediately before his departure for America. The photograph was shown to Death, who at once identified it as that of the man who on Monday, the 11th of July, had visited his shop and exchanged Mr. Briggs's gold chain for another.

Müller had been lodging last with a Mr. and Mrs. Blyth at 16 Park Terrace, Bow, so that he had been in the habit of travelling on the same railway line, to and from Fenchurch Street, as the late Mr. Briggs. Mrs. Blyth gave her lodger an excellent character. "He was," she said, "a quiet, well-


"A Müller hat" is a "Tall hat"
with a low Top. Müller - as you
know - finding he had
the murdered man's
hat, cut it down an
inch. In those days
the ordinary "Topper" was much
higher in the crown than now
to one with a low crown
was called a Müller hat - of course it might
to have been called a Briggs hat.
Ever yours sincerely
Harry Furniss

A "Muller" Hat.

behaved, inoffensive young man, of a humane and affectionate disposition." She stated that on Saturday, the 9th of July, the day of the murder, Müller had gone out as usual in the morning, but had not returned home when she and her husband went to bed at eleven o'clock. On the following day, Sunday, she said that he had been in the best of spirits, laughing, chatting, and enjoying his meals. On the Monday evening Müller had shown Mrs. Blyth the gold chain which he had got from Death in exchange for that taken from Mr. Briggs. Since his departure for America Mrs. Blyth had received a letter from Müller, posted from Worthing. It ran as follows:—

On the sea, July 16th, in the morning. Dear friends, I am glad to confess that I cannot have a better time as I have, for the sun shines nice and the wind blows fair as it is at present moment, everything will go well. I cannot write any more only I have no postage, you will be so kind as to take that letter in.

Besides this letter Mrs. Blyth showed the police a hatbox which Müller had brought with him when he first came to lodge at her house. It bore on it the name of Walker, Crawford Street, Marylebone, the name of the shop from which Matthews had stated that he had bought the hat for Müller.

The police lost no time in getting on the track of the young German tailor. Matthews made his statement at ten o'clock on the night of the 18th of July. At half-past six the following morning the officers called on Mrs. Blyth, and the same night Inspector Tanner and Detective-Sergeant Clarke, taking with them the jeweller Death, the cabman Matthews, and a warrant granted by Mr. Henry, chief magistrate at Bow Street, for Müller's arrest, left Euston station for Liverpool. They sailed from there for New York on Tuesday, 20th July, by the New York and Philadelphia Company's steamship "City of Manchester." The steamer was timed to arrive at New York some two or three weeks before the sailing ship that was carrying Müller. The proceedings of the police in this case bear some resemblance to those employed recently in the capture of Crippen, save that in 1864 there was no wireless telegraphy to assure the police officers that the "Victoria" had their man on board. Inspector Tanner and his companions reached New York on the 5th of August. They had to wait twenty days before the "Victoria" came into port. By that time New York had become as excited as London over the expected arrival of

Müller, and in their excitement some foolish persons all but prevented the police from taking Müller alive. As the "Victoria" was waiting in harbour for the pilot boat containing the officers to come out to her, a party of excursionists passing near the vessel shouted out, "How are you, Müller the murderer?" Fortunately Müller, who was on deck, did not hear them. Had he done so, he might have evaded capture by timely suicide. As soon as the officers came on board the captain ordered all the steerage passengers aft for medical examination. Müller was called into the cabin. He was charged with the murder of Mr. Briggs on the North London Railway on the night of the 9th of July. He turned very pale, but said that he had never been on that line. His keys were taken from him, his box searched, and in it were found the watch and what was believed to be the hat of the late Mr. Briggs. Müller said that they were both his property, that he had had the watch for two years and the hat for about twelve months.

Müller on landing in New York was an object of great interest to the public. He is described as short, with light hair and "small grey, inexpressible eyes." He had behaved fairly well on the voyage out, but had got into trouble once or twice on account of his overbearing manner. On one occasion he received a black eye for calling a fellow-passenger a liar and a robber. He had no money with him, but tried to raise some by offering to eat 5 lbs. of German sausage. He failed in this laudable endeavour, and was compelled to stand porter all round, a penalty he could only fulfil by parting with two of his shirts.

On the 26th of August extradition proceedings were commenced before Commissioner Newton, and concluded the following day. Death, Matthews, and the police officers gave evidence. Müller was represented by a Mr. Chauncey Schaffer. In addressing the Commissioner on behalf of his client, Mr. Schaffer made no reference to the charge against him. He indulged in a harangue in the true "Jefferson Brick" vein, punctuated by loud applause, in which he denounced the British for their flagrant iniquity in regard to the ship "Alabama," which had been destroyed in the previous June, and said that by our own treachery and gross misconduct we had made any Extradition Treaty a dead letter. The Commissioner, while tactfully complimenting Mr. Schaffer on his address, did not yield to his singular arguments. He

granted Müller's extradition, and on the 3rd of September Müller and his captors left for England on the steamship "Etna" of the Inman Line.

In England Müller's arrival was no less eagerly awaited than that of Dr. Crippen some months ago. The dramatic flight and capture of the young German had given the case a degree of interest which it had failed to awaken at the outset. Even the *Times* accorded large headings to the news of Müller which was coming from America, and gave to his arrival a journalistic importance which in recent years it has denied to occurrences of this nature. For the moment the news of Müller seemed almost to eclipse in importance that of the Civil War then raging in the United States between North and South. It was pointed out by some English newspapers that had Müller possessed $3000 or $4000 at the time of his arrest in New York, he might have procured bail from the Commissioner, and been quietly spirited away into the ranks of the Federal Army. According to these newspapers, American law at this time allowed bail to all accused persons, whatever the nature of their offence. But Müller was penniless and without friends. There was to be no military career for him—he was not to lose his life upon the field of battle.

During his absence from England the question of Müller's guilt had been widely discussed. The weight of the evidence against him, especially that of the cabman Matthews, had been made a subject of newspaper correspondence. To such lengths had this improper discussion been carried that the *Daily Telegraph* published a leading article warning the public against forming a premature judgment of the case against Müller. To help him to secure the best assistance at his trial the German Legal Protection Society announced that they had undertaken his defence.

The "Etna" arrived at Queenstown on the evening of the 15th of September. A representative of the *Daily Telegraph* visited Müller in his cabin, and found him quiet and cheerful. On his undertaking, willingly given, that he would cause no trouble, the officers had dispensed with the use of handcuffs. The young man seemed greatly interested in a shoal of porpoises, and pointed out some cows on the Irish coast which could only have been descried by a man with extremely good sight. Müller

was reading "David Copperfield." He had been given "Pickwick" at the commencement of the voyage, and had enjoyed the book so well, especially the account of the trial of Bardell *v.* Pickwick, that he had asked for another work by the same author. His conduct during the voyage had been exemplary; he alluded with evident pleasure to the fact that as a prisoner on the "Etna" he was enjoying much better food than had been supplied to the steerage passengers on the "Victoria."

Liverpool was reached on the night of Friday, the 16th, There a strange incident occurred. A well-dressed and apparently gentlemanly person walked into the room where Müller was waiting, and, going up to him, said, "And you are Franz Müller. Well, I am glad to see you and shake hands with you. Do you think you will be able to prove your innocence?" To which Müller replied "I do." "You know, Müller," said the gentleman in a loud voice, "this is a very serious charge." Here one of the detectives interposed and told the man to leave the room, which he did, but with some reluctance. His fatuous conduct was made the theme of a stinging rebuke in *Punch*, under the heading of "An Awful Snob at Liverpool." At nine o'clock on the Saturday morning Müller left for London, reaching Euston at a quarter to three. A large crowd greeted him with hoots and groans. He was taken at once to Bow Street, and charged, after which he was removed to Holloway Prison.

On the following Monday the magisterial hearing commenced at the Bow Street Police Court before Mr. Flowers. Mr. Hardinge Giffard—now Lord Halsbury—appeared to prosecute for the Crown, and Müller was defended by a well-known solicitor, Mr. Thomas Beard, who had been instructed by the German Legal Protection Society. The evidence, which was substantially that given afterwards at the trial, need not be recapitulated here. One important new piece of evidence was that of the hatter Digance and his assistant, who had been in the habit of making Mr. Briggs's hats. They declared that the hat found in Muller's box was a hat made by them; that it had been cut down an inch and a half and sewn together again, but not in such a way as a hatter would have done it; a hatter, they said, would have used gum. They stated that it was their custom to write the name of the customer for

whom the hat had been made on the band of the hat inside the lining. This part of the hat had been cut away from the hat found in Müller's box. Müller was remanded from Monday, the 19th, to Monday, the 26th of September. That day, at eight o'clock in the morning, he attended the last sitting of the coroner's inquest at the Hackney Town Hall, when the jury returned a verdict of wilful murder against him. From Hackney he was taken to Bow Street at eleven o'clock, and at the end of the day's hearing Mr. Flowers committed him for trial at the Central Criminal Court. No evidence was called on behalf of the prisoner. The magistrate asked Müller if he had anything to say. He answered, "No, sir, I have nothing to say now." Throughout the proceedings Müller had appeared cool and collected, only betraying anger on one occasion during the evidence of Matthews, the cabman.

The Sessions at the Central Criminal Court opened on Monday, 24th October, when the Recorder, Mr. Russell Gurney, advised the jury to bring in a true bill against Franz Müller. This they returned on the following Wednesday, and on the next day, Thursday, the 27th, Müller was put upon his trial. The presiding judges were the Lord Chief Baron, Sir Frederick Pollock, and his son-in-law, Mr. Baron Martin—two of the most distinguished judges on the bench. In these more leisurely days a law officer of the Crown did not disdain to conduct the prosecution in a sensational trial for murder. On this occasion Sir Robert Collier, Solicitor-General, led for the Crown with a very strong team of assistants at his back. First and foremost among them was Serjeant Ballantine, one of the most popular advocates of the day, noted more particularly for his great skill as a cross-examiner. His juniors were Mr. Hardinge Giffard, Mr. Hannen, and Mr. Beasley. The first of these is now the Earl of Halsbury, ex-Lord Chancellor of England, and the only survivor amongst the distinguished lawyers who took part in Müller's trial. Mr. Hannen had been appointed recently junior counsel to the Treasury, or, in legal slang, "Attorney-General's devil." He was soon to be raised to high judicial office, and is best known to history as President of the Divorce Court for more than twenty-five years, and of the Parnell Commission in 1888.

Serjeant Parry led for the defence. His tact and skill as

a verdict getter, his great powers of persuasion with a jury, made Parry one of the most popular and successful advocates of his time, whilst his kind and genial nature had rendered him no less popular as a man. Mr. Metcalfe and Mr. Besley were his juniors, the latter, until a few years ago, a well-known member of the Old Bailey bar.

Needless to say, the Court was crowded throughout the trial. The Lord Mayor Lawrence accompanied the judges on the bench. Müller is described as pale and anxious, following the proceedings closely and communicating frequently with his solicitor, Mr. Beard. Sir Robert Collier opened the case for the Crown in a short and business-like speech. He suggested that Mr. Briggs had been attacked while dozing in the corner of the carriage, and that the weapon with which the deed had been done had been undoubtedly Mr. Briggs's walking stick—"a formidable weapon, large, heavy, with a handle at one end." As motive for the crime the Solicitor-General suggested a sudden desire that had come over the murderer to possess the gold watch and chain which stood out conspicuously on the waistcoat of his victim. He attached great importance to the hat found in the railway carriage—"If you discover with certainty," he said, "the person who wore that hat on that night, you will have the murderer, and the case is proved almost as clearly against him as if he was seen to do it." He showed how by his dealings with pawnbrokers and others, commencing from the exchange of Mr. Briggs's watch chain with Death, the prisoner had become possessed of about £4 5s. in cash with which, on the Wednesday following the murder, he had bought his passage to America. He dealt with the evidence as regards the two hats, the one found in the carriage, which he would prove to have belonged to Müller, and the other found in Müller's box in New York, which he would prove to have belonged to Mr. Briggs. "Mr. Briggs," concluded the Solicitor-General, "is robbed and murdered in a railway carriage; the murderer takes from him his watch and chain, and takes from him his hat. All the articles taken are found on Müller; he gives a false statement of how he got them, and the hat left behind is the hat of Müller." If these circumstances were proved by witnesses, then, in the opinion of the Solicitor-General, a stronger case of circumstantial evidence had rarely, if ever, been submitted to a jury.

The first witnesses called were those concerned in the finding of Mr. Briggs and the medical gentlemen who had examined his body. It was with the appearance of Death, the jeweller, that the real interest of the case began. Death was clear that it was Müller who had brought him Mr. Briggs's chain on the 11th of July, which he had valued at £3 10s. Müller said that he would prefer to take another chain in exchange instead of money, upon which Death gave him a gold chain worth £3 5s. and a 5s. ring to make up the balance. The chain he had put into a box identical with that which the prisoner had given to Matthews' little girl. In cross-examination it was suggested to Death that Müller had been to his shop in the previous year, but Death and his brother were positive that they had neither of them seen the prisoner before the 11th of July.

Mrs. Blyth, Müller's landlady, gave evidence as to the prisoner's movements at the time of the murder. In cross-examination she bore testimony to the quiet and inoffensive disposition of the prisoner. She said that owing to an injury to his foot, Müller was wearing a slipper on one foot the day of the murder, and she admitted that he had spoken of going to America some fortnight before the murder of Mr. Briggs. Her evidence was supported by that of her husband.

Mrs. Repsch, the wife of a German tailor, a fellow-workman with Müller, gave important evidence. Müller had been at their house the evening of the murder, and had left them about half-past seven or eight o'clock. On Monday, the 11th, Müller had shown Mrs. Repsch the chain which Death had given him in exchange for that of Mr. Briggs. He had told her what was not true: that he had bought it in the docks. She noticed that he was wearing a different hat. Müller said he had bought it for 14s. 6d., upon which her husband had remarked that it looked more like a guinea hat. She recollected the hat which Müller had been wearing previous to this. To the best of her belief it was the hat found in the railway carriage. Cross-examined, Mrs. Repsch said that she particularly remembered this hat because of its peculiar lining.

John Haffa, a journeyman tailor, and friend of the prisoner, deposed to having pawned his own coat on the Wednesday before

Müller sailed for America in order to help his friend to buy his passage; but in cross-examination he admitted that before the 9th of July he had seen Müller in possession of a sum of money sufficient to have paid for his passage.

On the second day of the trial the Crown commenced by calling evidence as to the exact financial position of Müller immediately before and after the murder. It then appeared that in June Müller had raised £3 by pawning a gold watch and chain at the shop of a Mrs. Barker, in Houndsditch. On Monday, the 11th of July, he got from Death in exchange for Mr. Briggs's chain a gold chain valued at £3 5s. This he pawned on the Tuesday for £1 10s., and with the money so obtained he took his own watch out of pawn from Mrs. Barker's. By borrowing £1 from a man of the name of Glass he redeemed his own chain also, which he had left with Mrs. Barker. Glass and he then pawned this watch and chain a second time with Messrs. Cox, of Princes Street, Leicester Square, for a sum of £4. This pawn ticket Müller sold to Glass for 5s.; thus Müller had altogether £4 5s., and it was with this sum that he had purchased his passage to America. If Müller were the murderer of Mr. Briggs, he had perjured his soul for the paltry sum of 30s.

The evidence of Jonathan Matthews, cabman, was awaited with some excitement. His severe cross-examination at the Police Court by Mr. Beard had led to the expectation that the defence might seek to prove Müller's innocence of the murder by suggesting Matthews as having been the guilty man. But Serjeant Parry was wise enough not to adopt so dangerous a course. His cross-examination was directed entirely to damage the credit of Matthews as a trustworthy witness. Matthews identified the hat found in the carriage as one with a peculiar striped lining, which he had bought for Müller at his own request at Mr. Walker's, in Crawford Street. Serjeant Parry showed that on the question of his purchases of hats Matthews' statements at the trial differed materially from those he had made before the coroner and the magistrate, and he questioned him pointedly as to what had become of his own old hats, particularly the one which he had bought at Mr. Walker's, the one to which Müller had taken such a fancy that he had asked him to get him another like it. At the Police Court

Matthews could give no account of his movements on the night of Mr. Briggs's murder. Now he said he had made inquiries, and had found that he had been on the cab-stand at Paddington station from seven to eleven o'clock. Matthews adhered to the statement that he knew nothing of the murder until the 18th of July when he saw near his cab-stand the bill offering a reward for the apprehension of the murderer. He denied that it was a desire to receive the £300 reward that had prompted him to give his evidence against Müller.

A new fact Serjeant Parry elicited as damaging to Matthews' good character, though it cannot be said that it told very heavily against his credibility as a witness in this particular instance. In 1850, at the age of nineteen, Matthews had undergone twenty-one days' imprisonment for theft. He had been at that time conductor of a coach at Norwich, and had absconded from his situation, taking with him in his box a bit, a spur, and a padlock belonging to his employer. Matthews preferred to describe this incident as a "spree," which, he said, had been construed harshly into an act of theft, and he protested that the things had been put into his box "unbeknown" to him. He had never been in trouble since. Severe as was the cross-examination of Matthews, in the judgment of those who heard it, it had not shaken the weight of his evidence in any material degree.

Mrs. Matthews gave evidence as to the jewellers' box given by Müller to her little daughter. In cross-examination she admitted that she had known of Mr. Briggs's murder on the Monday following, though her husband would appear to have known nothing of it until the 18th of July.

One fact came out unexpectedly in the evidence of Walker, the hatter, and his foreman. They stated that the lining in Müller's hat, which Matthews had bought for him at their shop, was very peculiar in character, and had not been used by them in the lining of more than two, or, at most, three or four hats.

The evidence of the police officers who had arrested Müller in New York was followed by that of Mr. Briggs's son and his hatter, Digance. Mr. Thomas Briggs identified both the watch and hat found in Müller's box as having belonged to his father. Digance said that as Mr. Briggs had found his last

hat a little too easy on the head, he had placed a piece of tissue paper inside the lining; some small fragments of this tissue paper were remaining in the band of the hat when found in Müller's box.

It was half-past two when Serjeant Parry rose to make his speech for the defence. He spoke for two hours and a half. It was the only speech then allowed by law, and the Serjeant complained with some reason that, though he was about to call evidence for the defence, he was forbidden to sum up his case to the jury, a privilege that would have been accorded him if he had been engaged at *nisi prius* "in some miserable squabble between a hackney cab and a dust cart." By the Act 28 Vict. cap. 18, section 2, "Denman's Act," passed in the following year, the grievance alluded to by the learned Serjeant was removed.

The Serjeant commenced by dealing with the evidence that had been called for the Crown. He warned the jury that, though they might be satisfied that Müller had had a hat similar to that found in the carriage, they must not therefore assume that the hat found in the carriage had necessarily belonged to Müller. He deprecated warmly any intention of accusing Matthews of the murder. At the same time, he suggested that the hat found in the carriage might just as well have been Matthews' as Müller's. Matthews he described as an entirely unreliable witness, actuated solely by the desire to obtain the £300 reward, and proved in one instance to have lied deliberately before both magistrate and coroner.

As regards Mr. Briggs's hat, he commented on the fact that the prosecution had called no witness to prove that, on the day of his death, Mr. Briggs was wearing such a hat as that found on Müller. Müller's false statement as to the way he had become possessed of the watch and chain he attributed to the fact that the prisoner had bought them at the docks under circumstances which must have convinced him that he was buying them from some person who had obtained possession of them in a suspicious way. He pointed out, and very justly, that no blood-stained clothes had been found on Müller, and that the evidence given to prove that he had changed or got rid of some of his clothes after the murder was highly inconclusive. He scouted the idea that a slight and by no means

muscular young man such as the prisoner could in three minutes, the time taken by the train to go from Bow to Hackney Wick station, have murdered, robbed, and thrown out of the carriage a man 5 feet 9 inches in height and weighing 12 stone. The crime, he contended, and he was going to call evidence to prove it, must have been the work of two men. Nor would he accept the Solicitor-General's suggestion that Mr. Briggs's stick had been the weapon with which the crime had been committed. "A pair of shears," he said, "had been taken out of the pocket of the prisoner; he did not suppose that even now the Solicitor-General would suggest that the murder was committed with them." A curious comment on this statement is contained in a letter written to the *Times* two days after Müller's execution by Mr. Toulmin, the surgeon who had made the post-mortem on Mr. Briggs. In this letter Mr. Toulmin expressed the opinion that the "tailor's shears found on Müller, some 13 inches or 14 inches long, and weighing about 2 lbs., was the only instrument he knew of that might have inflicted the wounds found on Mr. Briggs," and he quoted the statement of a journeyman tailor to the effect that a tailor who did not take away his shears every day from his workshop would very quickly lose them.

Serjeant Parry said that he should call as the first witness for the defence a Mr. Lee, a respectable gentleman who had given evidence at the inquest, but for some reason had not been called by the Crown. Mr. Lee would say that he had seen Mr. Briggs in a compartment of a first-class carriage at Fenchurch Street station on the night of the 9th July; that, knowing him, he had said "Good-night" to him, and that he had then seen two men sitting in the carriage with him. The Serjeant said that he should further prove an alibi; he would prove that between nine and ten o'clock on the night of Mr. Briggs's murder Müller had been at a house in James Street, Camberwell. He would also call an omnibus conductor, who would swear that about ten minutes to ten on the Saturday night a passenger had got on to his omnibus at Camberwell Gate, wearing a carpet slipper on one foot. He was not prepared to swear that the passenger was Müller, but it had been proved by the prosecution that, owing to the injury to his foot, Müller was wearing a slipper on that night, and, if

he were at Camberwell Gate at ten minutes to ten, it was clear that he could not have left Fenchurch Street by the 9.50 train.

At the conclusion of the learned Serjeant's speech the Court adjourned until nine o'clock on Saturday, the 29th November, when Mr. Thomas Lee, the first witness for the defence, was called. Mr. Lee swore that he had seen Mr. Briggs sitting with two other men in a first-class compartment of the 9.50 train from Fenchurch Street on the night of the murder. He swore that he had said "Good-night, Mr. Briggs," to which Mr. Briggs had replied, "Good-night, Tom." He could not swear to the prisoner being either of the men. Mr. Lee was positive and unshaken on the main point of his evidence, in spite of severe cross-examination. When asked why he had not made his statement to the police until more than a week after the murder, he answered that it was because he thought it unimportant, and knew what a bother it would be. "I have something to do," he said; "I collect my own rents"—a frame of mind which the Chief Baron, with some reason, declared threw general discredit upon Mr. Lee's views and motives.

After some evidence that the cutting down and stitching of hats was a usual method of procedure in the second-hand hat trade, the defence proceeded with the proof of the prisoner's alibi. This rested on the evidence of a girl of the unfortunate class, and that of the man and woman in whose house she lived. Müller had formed an intimacy with the girl Eldred, and, according to the evidence of Mr. and Mrs. Jones, with whom the poor girl lodged, Müller had called at their house in Camberwell at half-past nine o'clock on the night of the 9th July. The girl Eldred was out, and Müller had remained talking to Mrs Jones for five or ten minutes, after which he had left. If the evidence of Mrs. Jones was absolutely correct, then Müller could not have reached Fenchurch Street from Camberwell in time to have caught the 9.50 train. But the prosecution suggested that her evidence was not strictly correct. It had been proved that Müller had left his friend Haffa at Jewry Street at eight o'clock that night. If he had gone straight from there to Camberwell he would have reached there about nine, the hour at which he must have known the girl

Eldred was in the habit of going out. If that were so, he would then have had plenty of time to get on an omnibus to Fenchurch Street, possibly arriving at that station at the same time as Mr. Briggs. The character of Mr. and Mrs. Jones did not help their credibility, and the Solicitor-General dwelt with almost undue vehemence on the little reliance that was to be placed on the clock of a brothel; it is difficult to see why the veracity of a clock should vary according to the character of the house in which it stands. The girl Eldred, whom the Chief Baron described as a pathetic figure, heard and seen with great compassion, had evidently done her best to save the life of the young man, and, as she left the Court, Müller looked at her with an expression of sincere gratitude.

The evidence of the omnibus conductor as to his passenger wearing slippers was quite valueless.

The Solicitor-General exercised his right to reply. He dealt very severely with the evidence that had been called for the defence, and reiterated the great strength of the case that had been made out by the Crown. At half-past one the Chief Baron commenced his charge to the jury. It occupied a little more than an hour and a quarter. Though scrupulously fair and dignified in tone, it was decidedly unfavourable to the prisoner. It was clear that the learned judge was powerfully impressed by the strength of the circumstantial evidence against the prisoner. Müller listened to the charge with painful anxiety. The jury, who declined the offer of the Chief Baron to read through to them the whole of the evidence, were only absent from the Court a quarter of an hour, when they returned with a verdict of guilty. Baron Martin, as the junior judge, passed sentence of death. "I have no more doubt," he said to Müller, "that you committed this murder than I have with reference to the occurrence of any other event of which I am certain, but which I did not see with my own eyes." At the conclusion of the sentence the prisoner was understood to say, "I should like to say something; I am satisfied with the sentence which your lordship has passed. I know very well that it is what the law of the country prescribes. What I have to say is, that I have not been convicted on a true statement of the facts, but on a false statement." As he left the dock his firmness gave way, and he burst into tears.

No sooner had Müller been condemned to die than the German Society, which had defended him, made strenuous efforts to obtain a remission of the sentence. A memorial was prepared for presentation to the Home Secretary, Sir George Grey. Even the King of Prussia and some of the minor German potentates had telegraphed to the Queen asking her to intervene and save Müller's life.

Certain German newspapers had gone the length of suggesting that it was the war in Schleswig-Holstein, and the impotent rage of the English aristocracy arising from that nefarious transaction, that were tying the noose round Müller's neck. *Punch* waxed very sarcastic over these insinuations, and made them the subject of the following verses:—

MULLER AND HIS MEN.

The German who clapped when the Diet dared draw
  Execution to deal on the Duchies,
Howl against execution awarded by law
  To Müller in Calcraft's stern clutches.
Can the reason that Vaterland thus makes black white,
  From applause to abuse shifts its song,
Be that our execution was provably right
  And their own as demonstrably wrong?

The execution had been fixed for Tuesday, the 14th of November. On the 10th of November the German Society presented their memorial to Sir George Grey. They relied, among other things, on a story of a parcel which had been thrown from a cab into the bedroom of a Mr. Poole at Edmonton, breaking his window at two o'clock in the morning of Sunday, the 10th of July. Mr. Poole had followed the cab with a view to obtaining compensation for the damage done to his window. There were four men inside the cab, one without a hat, and wearing a handkerchief round his head. The parcel that had been thrown contained blood-stained trousers. But the matter resolved itself into nothing more than a foolish spree. The memorial also included a statement of a Baron de Camin, who said that he had seen a blood-stained man on the Embankment between Bow and Hackney Wick station on the night of the 9th of July. Müller had,

since his confinement, made a statement to the effect that he had bought the hat found on him at Mr. Digance's shop, but Digance and his shopman, when confronted with Müller in Newgate, failed to recognise him. On the 8th of November Mr. and Mrs. Blyth, with whom Müller had lodged, and who had evidently become rather attached to the young man, made a declaration at Worship Street Police Court that Müller had been wearing the same hat on the Sunday as he had been wearing on the Saturday, the day of the crime. They said that they had not seen the hat produced at the trial, but were sure that it was not his hat. These efforts to save Müller were not allowed to go without reply. An attempt was made, but fruitlessly, to connect Müller with the murder, in 1863, of Emma Jackson, a woman of light character, killed in a house of ill-fame in George Street, Bloomsbury. The unfortunate girl had been found dead about four o'clock on the afternoon of the 10th of April. No clue was ever obtained to the murderer, though there were people living in an adjoining room, and almost immediately below, at the time the crime must have been committed. One or two Germans wrote to the newspapers protesting against any reflections that had been made on English justice in connection with Müller's trial, and saying that they were perfectly satisfied that he had been fairly tried, and had no wish to interfere with his punishment.

Mr. Beard received Sir George Grey's reply to the memorial on Saturday, the 11th of November. In it Sir George Grey stated that, after carefully comparing the statements contained in the memorial with the evidence given at the trial, and, after communicating fully with the two judges who had tried the case, he could see no ground for advising Her Majesty to remit the death penalty. At three o'clock in the afternoon Mr. Beard called at Newgate and acquainted Müller with the Home Secretary's decision. Müller received the news with calmness and composure, and expressed his gratitude for the efforts that had been made to save his life. In spite of the efforts of Dr. Cappel, the German Lutheran minister attending upon him, Müller refused to make any statement by way of confession, and appeared to be perfectly prepared to meet his fate. His public execution on the 14th of November furnished a scene more disgraceful than usual. The crowd, consisting of a mob of

the lowest kind, kept up their spirits during the night by shouting and singing doggerel verses alluding to the murderer. On the evening of the 13th Müller was visited by one of the Sheriffs, who again exhorted him to confess, but Müller obstinately declared his innocence. As the Sheriff left he turned to one of the warders and said, "Man has no power to forgive sins, and there is no use in confessing them to him." He was equally obdurate on the morning of his execution while Dr. Cappel was praying with him. He mounted the scaffold calmly, looked with curiosity at the beam above his head, and, though trembling a little, showed no sign of fear. Immediately before the drop fell Dr. Cappel once again besought Müller to admit his guilt, when the following conversation took place between them:—

Dr. Cappel—Müller, in a few moments you will stand before God. I ask you again, and for the last time, are you guilty or not guilty?

Müller—Not guilty.

Dr. Cappel—You are not guilty?

Müller—God knows what I have done.

Dr. Cappel—God knows what you have done. Does he also know that you have committed this crime?

Müller—Yes, I have done it. (Jah, ich habe es gethan.)

Though some doubt was afterwards cast as to the actual words used on this occasion, the correspondence printed in an Appendix to this volume shows conclusively that Müller did confess his crime immediately before he was launched into eternity.

It is difficult at this distance of time to quite appreciate the extraordinary interest that the case of Müller aroused. There is nothing very remarkable either in the crime or in the criminal. The trial itself is interesting as showing the conclusive weight of circumstantial evidence. That it did create extraordinary interest at the time there can be no doubt. It was the first railway murder, and the circumstances of the flight and capture of the murderer were calculated to excite the public mind. The character of Müller is a little difficult to understand. He would seem to have been a young man who could make friends among both men and women; all the witnesses at his trial spoke of his humane and gentle disposi-

MURDER.

£200 REWARD.

WHEREAS, on Monday, June 27th, ISAAC FREDERICK GOULD was murdered on the London Brighton and South Coast Railway, between Three Bridges and Balcombe, in East Sussex

AND WHEREAS a Verdict of WILFUL MURDER has been returned by a Coroner's Jury against

PERCY LEFROY MAPLETON,

whose Portrait and Handwriting are given hereon,—

Dear Sir

I much regret having been unable to call upon you last week having been away from here since Thursday week last in fact not seeing your letter until to-day. But I need hardly say that any night next week you care to-come will the exception of Monday I shall be only to happy to call upon you I am dear Sir

Yours faithfully
Arthur Lefroy

and who is described as being 22 years of age, height 5 ft 8 or 9 in., very thin, hair (cut short) dark, small dark whiskers; dress, dark frock coat, and shoes, and supposed low black hat (worn at back of head), had scratches from fingers on throat, several wounds on head, the dressing of which involved the cutting of hair, recently lodged at 4, Cathcart Road, Wallington, was seen at 9.30 a.m. 28th ult., with his head bandaged, at the Fever Hospital, Liverpool Road, Islington. Had a gold open-faced watch (which he is likely to pledge), "Maker, Griffiths, Mile End Road, No 16261."

One Half of the above Reward will be paid by Her Majesty's Government, and One Half by the Directors of the London Brighton and South Coast Railway to any person (other than a person belonging to a Police Force in the United Kingdom) who shall give such information as shall lead to the discovery and apprehension of the said PERCY LEFROY MAPLETON, or others, the Murderer, or Murderers, upon his or their conviction; and the Secretary of State for the Home Department will advise the grant of Her Majesty's gracious PARDON to any accomplice, not being the person who actually committed the Murder, who shall give such evidence as shall lead to a like result.

Information to be given to the Chief Constable of East Sussex, Lewes, at any Police Station, or to

The Director of Criminal Investigations, Gt. Scotland Yard.

JULY 4th, 1881.

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Reproduction of Handbill in the Lefroy case.

tion. He was, however, at times overbearing and inclined to violence. He was vain, and in the habit of making boastful and untrue statements about himself and his doings. He seems to have been fond of jewellery, and it is probably correct to surmise, as Baron Martin said in sentencing him to death, that, "moved by the devil in the shape of Mr. Briggs's gold watch and albert chain, the young man was overcome with a sudden impulse of greed," to which he yielded the more readily owing to his desire to obtain sufficient money to take him to America, where he seems to have thought that he would be more successful than in England.

Though Müller's was the first railway murder in England, his crime is not to be compared with the exploits of a train murderer in France, named Jud, four years earlier. This man Jud murdered a Russian Army doctor on a railway in Alsace; and three months later he was more than suspected of the murder of Monsieur Poinsot, a distinguished judge, on the railway between Troyes and Paris. Though the guilt of Jud was clearly established, he was never captured.

England had to wait for nearly twenty years before Müller's melancholy success was repeated. On the 27th of June, 1881, Mr. Gold, a respectable gentleman living in a suburb of Brighton, sixty-four years of age, was murdered on the London, Brighton & South Coast Railway by a man of the name of Lefroy. The murder occurred in a first-class carriage between Croydon and Horley. Mr. Gold was returning by the two o'clock train from London Bridge to his house at Preston. When the train drew up at Preston Park station, Lefroy was found in the carriage dishevelled and covered with blood. He said that he had been attacked and robbed. A watch chain was hanging from his shoe, which he said he had placed there for safety. His statements were accepted, and he was allowed to go on his way. The credulity of the officials on this occasion exposed them to a great deal of ridicule, which found highly humorous expression in some satirical verses by the late H. D. Traill. During the same afternoon the body of Mr. Gold was found near the entrance to Balcombe Tunnel. There was a bullet wound in his neck, and further wounds on his body, apparently inflicted with a knife. Lefroy, after his release by the police, disappeared. It was not until a week after the murder that

he was discovered in some lodgings in Smith Street, Stepney. Lefroy was tried at the Maidstone Assizes before Lord Chief Justice Coleridge on the 5th November, 1881. Sir Henry James, then Attorney-General, now Lord James of Hereford, led for the prosecution, and the prisoner was defended by Mr. Montagu Williams. He was convicted on the fourth day of his trial, sentenced to death, and executed at Lewes. Lefroy, whose real name was Percy Lefroy Mapleton, was a journalist. He was a vain, weak creature, with literary ambitions which he had not the necessary talent to fulfil. He was desperate for want of money, and had apparently gone to the London Bridge station with the intention of robbing some passenger, and, if necessary, taking life. He hoped to have travelled with a lady, whom he could have robbed by merely threatening her, without being driven to the necessity of murder. He was not successful in finding a lady who answered his dismal requirements, and, finally, entered a carriage that was occupied by a solitary gentleman. That gentleman was the unfortunate Mr. Gold. It was Lefroy's portrait, published in the *Daily Telegraph* and seen by his landlady, that led to his arrest. This was, I believe, the first occasion on which the portrait of a "wanted man" appeared in a newspaper.

The next crime of this character was the murder in the year 1897 of Elizabeth Camp. She was a woman of thirty-three years of age, at the time of her death a barmaid at the "Good Intent," a small tavern in Walworth. On the afternoon of the 11th of February she left Walworth for Hammersmith, and stayed there at the house of a friend for about two hours. She then went on to Hounslow to visit a married sister. She left Hounslow by the 7.43 train for Waterloo, entering an empty second-class carriage. As soon as the train reached Waterloo at 8.25 her body was found on the floor of the carriage. Her head had been battered in by some heavy instrument, and her pockets had been rifled. There had evidently been a desperate struggle in the carriage. The only possible clue in the case was a "Wedgwood" pestle, similar to that used by chemists, which was found covered with blood and hair a short distance from Wandsworth station. It was probable, therefore, that the murder had been committed before the train reached Vauxhall. Certain persons were suspected of the crime, but

no arrest was ever made, and after a prolonged inquest the jury returned a verdict of wilful murder against some person or persons unknown.

The fourth railway murder occurred on Thursday, the 17th of January, 1901, on the London & South-Western Railway. As the 1.29 train from Southampton was entering Vauxhall station a man sprang from a third-class carriage and fled down the platform at a desperate speed. A woman, wounded and bleeding, appeared at the door of the carriage, and called out to the officials to stop the man. He was pursued and captured. It then appeared that the murderer had got into the train at Eastleigh. At that time there were in the carriage a farmer of the name of Pearson, living near Winchester, and a lady, Mrs. King. As the train passed Winchester station the man rose, shot Mr. Pearson dead, and began to rifle his pockets. He threatened to serve the woman in the same way, fired at her, and wounded her in the jaw. He said that he would not do her any further injury, if she said nothing about it. On the evening of his arrest George Henry Parker—for that was the name of the man—made a full confession of the crime. He had been drinking heavily, and had formed the acquaintance of a woman who, he said, had told him that she was unhappy at home, and had asked him to take her away with him. It was to effect this purpose that he had committed the crime. Parker was twenty-three years of age, a tall, good-looking man, who had been in the Army. He said that he must have been mad when he committed the crime, and from the first was resigned to his fate. He was convicted at the Central Criminal Court on the 7th of March, and executed three weeks later.

On the night of Sunday, the 24th September, 1905, the body of Mary Sophia Money, aged twenty-one, a book-keeper at a dairy at Lavender Hill, Clapham Junction, was discovered in Merstham Tunnel on the London, Brighton & South Coast Railway. In her mouth was a long piece of silk veil, her skull was smashed, one of her legs severed; she had apparently been thrown from a train. There were marks of her hands on the side of the tunnel, and her gloves were covered with soot. On the 16th of October the coroner's jury found that Miss Money had met her death by severe injuries brought about by a train, but that the evidence was insufficient to show whether she fell

or was thrown from the train. It is impossible to say whether Miss Money met her death by murder, suicide, or mischance.

The last railway murder that aroused a very considerable degree of interest was that committed on the North-Eastern Railway by John Dickman, of Newcastle. It is a remarkable case, from many points of view, and calls for more than passing comment. In this case the murderer had not acted as Müller, on a sudden impulse; he had not left the choice of his victim to chance, as Lefroy; he had carefully planned, deliberately executed his crime, and met the consequences with fearless determination.

It was a little after twelve o'clock on Friday, 18th March, 1910, that the 10.27 a.m. slow train from Newcastle to Berwick steamed into Alnmouth station. Sleet was falling heavily at the time. A porter opened the door of a third-class compartment in the carriage next to the engine, in order to close the window. He saw to his horror that the carriage was smothered in blood and, lying face downwards, pushed under the seat, was the body of a man. It was removed at once to a waiting-room, and the carriage placed in a siding. The body was found to be that of John Innes Nisbet, cashier and book-keeper to a Newcastle firm, owning the Stobswood Colliery, near Widdrington, some 24 miles from Newcastle. Nisbet was in the habit of travelling every alternate Friday by this 10.27 train from Newcastle, due at Widdrington at 11.31, carrying with him the money for the miners' wages. In good times he might carry as much as £1000 in cash, but, owing to the coal strike, on the morning he met his death, he was carrying in a black bag £370 9s. 6d., in sovereigns, half-sovereigns, silver, and coppers. It was clear that the unfortunate man had met with foul play; there were five bullet wounds in his head. Four of the bullets were found, but they were of different calibre. The assassin, or assassins, must have used two pistols, but no weapon was found in the carriage.

Nisbet was forty-four years of age, short and slight in build, married, and had two children. He had been twenty-two years in the service of the colliery firm, and bore an excellent character. Mrs. Nisbet had been in the habit of meeting the 10.27 train on the Fridays on which her husband was travelling by it, at Heaton station, some seven minutes by rail from

Newcastle. On the day of her husband's murder she had met the train as usual, and had seen that there was another man in the carriage, sitting opposite to Nisbet, but she could not give any description of him. Nisbet had been last seen alive at Stannington, the station immediately before Morpeth, by two colliery clerks, who knew him well. As they left the train at the station they had greeted Nisbet, and one of them had noticed that there was another man in the carriage, sitting on the opposite side to the deceased, reading a newspaper. Nisbet was not seen by any of the railway officials at Morpeth, to whom he was well known as a regular traveller on the line; and at Widdrington station, where he should have alighted, some surprise was expressed at his absence. It was not until the train reached Alnmouth, half an hour later, that his body was discovered. It seemed almost certain that the unfortunate man had been murdered between Stannington and Morpeth, a non-stop run of ten minutes, the longest on the journey. By alighting at Morpeth, which is a busy station, the murderer would have had a much better chance of escaping unobserved than at any of the smaller stations at which the train stopped.

The day after the murder the owners of the Stobswood Colliery offered a reward of £100 for the detection of the murderer, of whom a description was issued, based on the statement of the two clerks who had left the train at Stannington. One of them had seen a man get with the deceased into a compartment in the front of the train immediately behind that in which he and his friend were sitting, before the train left Newcastle; the other had seen a man sitting opposite Nisbet, as he was leaving the train at Stannington.

A rumour spread that, on the Saturday following the murder, a man answering the description of the wanted man had been seen by the conductor of an omnibus between London Bridge and Hackney. But a statement made to the police in Newcastle led to the arrest on Monday evening, the 21st of March, of John Alexander Dickman, a bookmaker in that city. He had known the murdered man. He had been at one time a clerk on the quayside, Newcastle; later, secretary to a colliery company near Morpeth; and since then had been earning a precarious and insufficient living by betting operations,

Dickman was forty-three years of age, and married. He is described as a short, rather thick-set man, having a heavy moustache and short, curly hair, spruce and well-dressed in appearance. On Monday evening a police officer called at his house, and invited Dickman to accompany him to the Central Police Station. Dickman consented without reluctance or betraying any sign of nervousness, and, on arriving at the station, made a voluntary statement in which he admitted travelling by the 10.27 train from Newcastle on the 18th of March. He said that he had seen Nisbet at the booking office, but not again after that, and that he had entered a compartment alone near the hinder end of the train. He had, he said, taken a ticket to Stannington in order to keep an appointment with a Mr. Hogg, a colliery owner, but that he was so absorbed in a newspaper he was reading that he had missed his station, and had got out at Morpeth with the intention of walking back to Stannington. On the way he had been seized with an attack of diarrhœa, and after some delay had returned to Morpeth, from which station he had caught the 1.40 train back to Newcastle. On being placed under arrest and charged with the murder of Nisbet, Dickman said—"I don't understand the proceedings; it is absurd for me to deny the charge, because it is absurd to make it. I only say I absolutely deny it."

Dickman's account of his movements on the day of the murder was in one respect inconsistent with a statement which had been made to the police by Wilson Hepple, an artist living near Newcastle. He had known Dickman for some twenty years, and was travelling by the 10.27 train from Newcastle on the morning of the 18th of March. He stated that he had seen Dickman at the booking office as he was taking his ticket, and had then gone to a carriage in the middle of the train. As he was standing by the carriage Dickman passed him in company with another man, whom he did not know, and went to the engine end of the train. He then, as he was walking up and down the platform, saw one of the two men place his hand on the door of a carriage at the higher end of the train, and, when he turned round again in his walk, the two men had disappeared. About a minute later, Hepple got into his carriage and the train started. If Hepple was not mistaken and was telling the truth—and his character made any other supposition

impossible—then Dickman had given a false account of his movements when he stated that, after seeing Nisbet at the booking office, he had walked alone to a carriage at the hinder end of the train.

On Tuesday, 22nd March, Dickman was charged before a magistrate at Gosforth Police Court, but it was not until the 14th of April that the case was gone into fully before the Newcastle magistrates. In addition to the evidence of Mrs. Nisbet and Hepple, Hall, one of the colliery clerks travelling by the 10.27 train, said that he had seen Nisbet and a man he believed to be the prisoner, get into a compartment immediately behind his, which was the second compartment from the engine in the carriage next to the engine. When asked to point out Nisbet's companion from among nine men at the police station, Hall pointed out Dickman and said, "I won't swear that the man I pointed out was the man I saw get in with Mr. Nisbet, but, if I could be assured that the murderer was there, I would have no hesitation in pointing the prisoner out." His companion, Spink, swore that, as he passed Nisbet at Stannington station, he had seen another man in the carriage with him, but was unable to identify Dickman as the man.

Evidence was given as to Dickman's financial position at the time of the murder. It was clear from a letter of his wife's that the Dickmans were sorely in need of money, and that the husband had practically no money at all, the wife some £20 in a co-operative society and the Post Office Savings Bank. On the day before the murder Dickman had pawned a pair of field-glasses for 15s., and a fortnight earlier had pawned another pair for 12s. At the time of his arrest he had on him £17 9s. 11d. in cash, fifteen sovereigns of which were in a "Lambton's Bank" canvas bag, the remainder loose in his pockets. The clerk at Lloyd's Bank in Newcastle, with which Lambton's Bank had been amalgamated, stated that the sovereigns and half-sovereigns of the £370 paid out to Nisbet on the morning of the 18th March had been contained in canvas bags similar to that found on Dickman. At the same time it was proved that Dickman had had an account at Lloyd's Bank, which had been closed at the end of the year 1909.

Some evidence was given of Dickman having received a parcel

containing a gun at a shop in Newcastle in the name of "Fred. Black"; and a gunsmith's assistant stated that according to his register he had, in the year 1907, sold an automatic pistol to a "J. A. Dickson," giving an address at Lily Avenue, Jesmond, the street in which Dickman was living at the time of his arrest. Another gunsmith stated that two of the bullet wounds in the head of the deceased might have been inflicted with a pistol of such a character.

At the second hearing in the Police Court, Mr. Hogg was called. He was the contractor whom Dickman said he had gone to see on the morning of 18th March about some sinking operations at Stannington. Hogg said that he had made no appointment with Dickman on that morning, and had, in fact, been in Newcastle all day; that the prisoner had been to see him at Stannington a fortnight before the murder, arriving by the same 10.27 train from Newcastle as that by which he had travelled on the day of Nisbet's murder. Hogg further stated that the visit had been in a purely friendly way, and not on any matter of business; that he had on one occasion lent Dickman £2, and that, as far as he knew, the prisoner had never had anything to do with any sinking operations.

Medical evidence was called as to the nature of the five bullet wounds found in the head of the murdered man, one of which, entering the brain, had caused death. At the conclusion of the evidence the magistrates decided that a *prima facie* case had been made out against Dickman, but remanded him until 21st April, when the depositions would be read over and the prisoner committed for trial.

That day an unlooked-for incident occurred. Dickman had no sooner entered the Court than Mrs. Nisbet went into the witness-box, and asked to be allowed to make a statement. At the conclusion of her evidence at the previous hearing she had fainted away, and had to be assisted from the Court. At the time her collapse was attributed to emotion natural in so painful a situation as hers. Now, however, with the permission of the Court, she wished to explain the cause of her distress. She had, she said, seen but little of the man seated opposite to her husband in the railway carriage when she met the train at Heaton station on the fatal morning; "he had got his collar up, and had partly covered his face. I recognised

the same part of the face in the dock the other day, and that is how I lost my senses." At this point Mrs. Nisbet almost broke down again. As soon as she had recovered herself sufficiently she was cross-examined by the prisoner's solicitor, but she persisted that she recognised the side of the face that she had seen in the dock as the side of the face that she had seen in the railway carriage at Heaton station. The man in the train, she said, resembled the prisoner; "he turned in the dock as I saw him in the train." The evidence was read over, and Dickman committed for trial to the Newcastle Assizes.

On the 9th of June, between the magisterial investigation and the trial, the leather bag in which Nisbet had carried the money on the 18th of March was found, slit open and emptied of the greater part of its contents, at the bottom of the shaft of the Isabella pit at Hepscott. This pit lies $1\frac{3}{4}$ miles to the south-east of Morpeth station. The bag contained some coppers, and other coppers were found near it, amounting altogether to 19s. 8d. Dickman, it was proved, knew of the existence of this particular shaft. Arriving at Morpeth at 11.16 the murderer, whoever he was, would have had ample time and to spare to visit the shaft and to return by the 1.40 train to Newcastle.

The trial of Dickman commenced on the 4th of July before Mr. Justice Coleridge. Mr. Tindal Atkinson, K.C., led for the Crown, and the prisoner was defended by Mr. Mitchell Innes, K.C. In opening the case, Mr. Tindal Atkinson emphasised the fact that four persons had seen Dickman in the company of the deceased on the morning of 18th March. A man named Raven had seen both men walking together at Newcastle station on their way to No. 5 platform, from which the 10.27 train started. Hepple had sworn to seeing the prisoner get into the front part of the train with a man of a build corresponding with the deceased. Hall had identified Dickman as the man he had seen with Nisbet on the platform at Newcastle. And Mrs. Nisbet had identified him under the circumstances already described. Of these witnesses, Hepple's was the most serious evidence against the prisoner, and remained unshaken in spite of earnest cross-examination.

As further evidence of the prisoner's guilt there were pro-

duced a pair of suède gloves belonging to Dickman, one of which, the left-hand glove, was smeared with blood; and a pair of his trousers, in the left-hand pocket of which were spots of blood. It was suggested that the stains had been produced by the glove, still wet with blood, having been put into the trousers pocket, whilst it was still on the murderer's hand. In regard to the impecuniosity of Dickman at the time of the murder it was proved that both Dickman's banking accounts had been closed in 1909, and that apparently some £20 of savings of Mrs. Dickman's was the sum of their fortune on the 18th of March, 1910.

Dickman went into the witness-box. He repeated in substance the statement he had already made to the police. He had passed Stannington station because, as a betting man, he was engrossed in reading in the newspaper about the Grand National Steeplechase that was to be run that day. He said that the £17 found on him on his arrest was part of a reserve fund, belonging to his betting account and known only to himself. In cross-examination, Dickman maintained that he had entered the last carriage but one at the back of the train. There were, he said, other people in the carriage, but he could not describe any of them, nor recollect whether any of them had got out before the train reached Morpeth. About ten minutes after he left Morpeth, Dickman said that he was seized with illness, and had spent half an hour in a field. He returned home about a quarter-past four that afternoon, and went to the Pavilion Music Hall in Newcastle that evening. The blood stains on his glove he attributed to his nose bleeding or cutting his corns.

No fairer account of the case can be given than the masterly summing up of Mr. Justice Coleridge. It is a model of what such a thing should be. It cannot be said to have been favourable to the prisoner. At the same time, it never emphasised unduly the strength of the circumstantial evidence against him. The learned judge commenced by dealing with the evidence that showed Nisbet and Dickman to have been together in the train on the day of the murder. It resulted in this, the deceased was proved to have been in the third compartment of the front coach, "and there was one man, and one man alone with him in that carriage." The

prisoner was seen with the deceased at the railway station, and was seen getting, with a companion, into a compartment approximate to the one in which the deceased had travelled. Then there was the evidence of Mrs. Nisbet. It was clearly proved that on that morning the prisoner had a companion. He said that he had not. "If he said that he had no companion, when they knew that he had, then who was that companion?"

The judge commented on the prisoner's account of his movements after reaching Morpeth. Why did he not go back at once to Stannington station, where he should have got out? The story of his seizure of illness was uncorroborated; and two men who had met him near Morpeth station, about twenty minutes past one, had found him cool, collected, and with no sign of suffering. The prisoner's explanation of the blood on his gloves and in his trousers pocket was vague and unsatisfactory.

In dealing with the circumstantial character of the evidence against the prisoner, such evidence, Lord Coleridge said, "One may describe as a network of facts cast around the accused man. That network may be a mere gossamer thread as light and insubstantial as the air itself, which would vanish at a touch. It may be strong in parts, but leave great gaps and rents through which the accused is entitled to pass with safety. It may be so close, so stringent, so coherent in its texture, that no efforts on the part of the accused could break it."

The jury, after an absence of half an hour, returned a verdict of "guilty" against Dickman, who was sentenced to death. The prisoner, whose firmness had never deserted him from the first moment of his arrest, protested his innocence. Notice of appeal was given on Dickman's behalf. At the same time a brother of the prisoner wrote a letter to the *Newcastle Daily Chronicle*, in which he asked if anybody, after reviewing Dickman's own evidence, could, unless he looked through smoked glasses, say that Dickman was an innocent man. He wrote, he said, in the hope of stopping people writing foolish letters to the papers protesting against the verdict. He said that, if his brother had taken his advice, he would not have been where he was. In spite of this singular fraternal intervention, a petition for a reprieve was prepared and sent to the Home Secretary.

Dickman's appeal was held before the Court of Criminal Appeal, consisting of the Lord Chief Justice, Lord Alverstone, and Justices Lawrance and Phillimore, on Friday, 22nd July. Mr. Mitchell Innes, who appeared for Dickman, dealt chiefly with the unsatisfactory character of Hall's identification of the prisoner, and the fact that Mr. Tindal Atkinson, in his concluding speech for the Crown, had commented on the fact that Mrs. Dickman had not been called as a witness for the defence. Hall was called before the Court, and examined by Mr. Mitchell Innes, when it appeared that he had been assisted rather improperly by the police in his identification of the prisoner. But the Court held that this identification had so little bearing on the real merits of the case that it was impossible to interfere with the verdict of the jury on the ground of anything that had happened at the police station. As to Mrs. Dickman's evidence, Mr. Justice Coleridge had told the jury, before the foreman had delivered their verdict, that, if Mr. Tindal Atkinson's comment had in any way affected their minds, they must re-consider their verdict; but the foreman had replied that the subject had never been mentioned amongst them. Without calling on Mr. Tindal Atkinson, the Court dismissed the appeal.

On August the 5th the Home Secretary wrote that he was unable to advise any interference with the due course of the law in Dickman's case, and on the 9th of August Dickman was executed in Newcastle Gaol. He met his death unflinchingly, and made no confession. From the moment that Dickman contemplated the murder of Nisbet he seems to have set about it with a method and determination that were unfaltering. His journey to Stannington on 4th March was, no doubt, as the judge suggested, in the nature of a rehearsal for the actual deed itself. Dickman, at the end of his resources, had come to the deliberate resolution of refilling his pockets by the murder of a man who would, he knew, be carrying with him on the 18th of March a very considerable sum of money.

The *People* newspaper, after his execution, stated that Dickman was strongly suspected by the police of having been connected with the murder of a Jewish moneylender, which had occurred in Sunderland on the evening of the 8th March, 1909. It would seem that Dickman had undoubtedly had some

dealings with the murdered man. Prior to Dickman's arrest, a number of assaults and robberies had taken place in Jesmond, in the neighbourhood of Dickman's house. The perpetrator had never been discovered. It was said that one of the victims of this mysterious assailant, who had been present at Dickman's trial, had recognised the prisoner in the dock as the man who had attacked and robbed him. Among the articles found in Dickman's house at the time of his arrest was a life preserver. Mrs. Dickman wrote to the *People* protesting strongly against these insinuations, and challenging proof of them.

Two mysteries in connection with the Dickman case are to this day unsolved. What became of the weapons used by the murderer? What has become of the greater part of the £370 taken from the murdered man? Does the money still lie concealed in some hiding place where the murderer had secreted it, in the hope of recovering it when the excitement caused by his crime had died down? or has some unscrupulous person found it and preferred to say nothing of the discovery?

I have given the outline of this case at some length, as it is perhaps the most remarkable of the crimes perpetrated on our English railways. Happily these crimes have been few, in spite of the facilities offered to the criminal by the construction of our English railway carriages. In Pendleton's "Our Railways," published in 1896, statistics are given which show that we then compared very favourably with other European countries in the number of such crimes. France heads the list by a long way. In the thirty years previous, there were in France twenty-eight murders or attempted murders on the railway. In Russia and Turkey there were seven each, in Italy five, in England four, in Spain two, and in Austria one. Germany, Switzerland, Holland, and Belgium had none. With the coming of the corridor carriages we may hope that these crimes will come to be matters of ancient history.

Leading Dates in the Muller Case.

1864.

Saturday,

July 9.—The body of Mr. Briggs found on the North London railway between Bow and Hackney Wick stations.

11.—Inquest opened by Mr. Humphreys, coroner, at the Prince of Wales' Tavern, Bow, afterwards adjourned to the Hackney Town Hall.

Müller visits Death's shop in Cheapside, exchanges Mr. Briggs's watch chain for another, and gives to Matthews' little girl the jeweller's box bearing Death's name.

13.—Müller books passage at the London Docks by the sailing ship "Victoria" for New York.

15.—"Victoria" sails for New York.

18.—The cabman Matthews makes a statement to the police as to the identity of the hat left in the railway carriage.

20.—Inspector Tanner, Sergeant Clarke, Death, and Matthews leave Liverpool for New York by the New York and Philadelphia Company's steamship "City of Manchester."

Aug. 5.—"City of Manchester" arrives at New York.

25.—"Victoria" reaches New York. Müller is arrested.

27.—Commissioner Newton grants Müller's extradition.

Sept. 3.—Müller sails for England by steamship "Etna," Inman Line.

16.—"Etna" reaches Liverpool.

Franz Muller.

1864.

Sept. 17.—Müller is brought to London and charged at Bow Street.

19.—Magisterial hearing commences before Mr. Flowers at Bow Street Police Court.

26.—Coroner's jury return verdict of "wilful murder" against Müller. Magisterial hearing concluded, and Müller committed for trial at Central Criminal Court.

Oct. 26.—Grand jury at Central Criminal Court return a true bill against Müller.

27.—His trial commences at the Old Bailey before Chief Baron Pollock and Mr. Baron Martin.

29.—The jury return a verdict of "Guilty," and Müller is sentenced to death.

Nov. 10.—The German Legal Protection Society present memorial to the Home Secretary praying for a commutation of the sentence.

12.—Letter from the Home Secretary declining to interfere with the sentence.

14.—Müller executed before Newgate, after confessing his guilt.

THE TRIAL.

On the Queen's Commission of Oyer and Terminer and Gaol Delivery for the City of London and Gaol Delivery for the County of Middlesex and the parts of the Counties of Essex, Kent, and Surrey within the jurisdiction of the Central Criminal Court.

THURSDAY, 27TH OCTOBER, 1864.

The Court met at Ten o'clock.

Judges—

THE LORD CHIEF BARON (*Sir Frederick Pollock*).
MR. BARON MARTIN.

Counsel for the Crown—

THE SOLICITOR-GENERAL (*Sir R. P. Collier, Q.C., M.P.*).
Mr. SERJEANT BALLANTINE.
Mr. JAMES HANNEN.
Mr. HARDINGE GIFFARD.
Mr. BEASLEY.

Instructed by Mr. A. W. POLLARD, on behalf of the Treasury.

Counsel for the Prisoner—

Mr. SERJEANT PARRY.
Mr. METCALFE.
Mr. EDWARD BESLEY.

Instructed by Mr. THOMAS BEARD, Solicitor to the German Legal Protection Society.

FRANZ MULLER (23) was indicted for the wilful murder of Thomas Briggs.

CLERK OF THE COURT—Franz Müller, you are indicted that you did, on the 9th of July, in the present year, maliciously, wilfully, and of malice aforethought, kill and murder Thomas Briggs. Are you guilty or not guilty?

The PRISONER—Not guilty.

CLERK OF THE COURT—You are entitled to be tried by a jury partly composed of foreigners.

SERJEANT PARRY (for the prisoner)—He wishes to be tried by twelve Englishmen.

CLERK OF THE COURT—Prisoner at the bar, if you wish to object to any of the gentlemen of the jury you must do so as they come into the box to be sworn.

SERJEANT PARRY—I understand that a ballot of all the jurymen takes place at the beginning of the sessions, and that they are divided into classes or pannels, and that these classes consist of fourteen jurymen each.

CLERK OF THE COURT—Yes.

SERJEANT PARRY—I ask your lordship that the whole of the names of the gentlemen of the jury be placed in a box, and that they should be taken out indifferently.

BARON MARTIN—You are entitled to have the jury sworn according to Act of Parliament.

CLERK OF THE COURT—Send into the other Courts, and tell them to send in all the jurymen in waiting.

(Messengers were sent, and while they were away the prisoner held a long conversation with his solicitor, Mr. Beard, over the front of the dock. Upon the entry of the jurymen from the other Courts those gentlemen who had already taken their seats in the jury-box were requested to retire, which they did.)

CLERK OF THE COURT—The gentlemen who are summoned as a foreign jury need not stay any longer.

(Several jurymen were then called, but Mr. Serjeant Parry exercised his privilege of objecting to several.)

SERJEANT PARRY—I ask that the names of the jury be put into a box and drawn.

Baron Martin—There is no such Act of Parliament.

Serjeant Parry—I ask that the names be put in the box and drawn.

Baron Martin—I shall proceed according to law.

(The learned baron then directed that the Act of Parliament be handed to Serjeant Parry.)

The Lord Chief Baron—Mr. Avory was calling the names of the gentlemen of the jury who had been summoned from Middlesex. I propose that, as counties send prisoners for trial to the Old Bailey, and there are pannels from each of those counties, some jurymen should be cited from each pannel.

Serjeant Parry—I am quite satisfied with the proposal, and thank your lordship for the suggestion.

The jury having been duly empannelled and sworn,

The Clerk of the Court said—Gentlemen, the prisoner, Franz Müller, is indicted for that he did feloniously, wilfully, and with malice aforethought, kill and murder Thomas Briggs, and it is your duty to say whether he is guilty or not guilty.

Solicitor-General

The Solicitor-General—Gentlemen of the jury, it is my duty to state to you the circumstances of a most extraordinary murder, and to inform you of the evidence which will be laid before you, warranting the conclusion that that murder was committed by the prisoner at the bar. Gentlemen, this is a case which has excited unusual and painful interest. It is one which, as we all know, has been canvassed and discussed in almost every newspaper, I might say almost every house, in the kingdom; and it is one on which some persons might be inclined already to form an opinion. I must entreat you, gentlemen, in approaching this most solemn inquiry, to discard from your minds anything that you may have heard, everything that you may have read upon the subject. I appear on the part of the prosecution with a true desire to do justice to the prisoner. You will try him upon the evidence, and upon the evidence alone. It gives me great satisfaction to know that the prisoner has been enabled to avail himself of the services of the distinguished counsel who are on his side, for I am convinced they will present to your consideration in the most

favourable manner every argument that can be made in his favour. I shall now give you a plain statement of the facts which will be presented before you. Solicitor-General

Gentlemen, we have to inquire into the circumstances attending the death of a Mr. Thomas Briggs. Mr. Briggs was one of the chief clerks of the well-known banking house of Messrs. Robarts & Co. He was a gentleman, I understand, very highly respected and esteemed by all who were acquainted with him. Mr. Briggs had a house in Clapton Square, which is near to the Hackney or Hackney Wick station of the North London railway, and he frequently—almost habitually, I believe—went to and fro between his place of business and his house by that railway. I have now to call your particular attention to Saturday, the 9th of July last. On Saturday, the 9th of July, Mr. Briggs dined with a Mr. and Mrs. Buchan, who lived in Nelson Square, Peckham, Mrs. Buchan being a niece of Mr. Briggs. Mr. Briggs left Mr. Buchan's about half-past nine o'clock at night with the intention of returning to his home at Clapton Square. Mr. Buchan walked with him as far as the omnibus which went to King William Street, where he would get out and walk to the Fenchurch Street station. Mr. Briggs had on that occasion with him a black bag. He had a stick, which will be shown to you, and he had a watch and chain. The watch was an old-fashioned, large, gold lever watch, and, I believe, a valuable one. The chain was also of some value, and was one he had had for some time. Attached to the chain was a ring, partly broken, which will be presently shown to you and identified. It is clear that Mr. Briggs had the watch and chain upon him at the time, for Mr. Buchan will tell you that on his way to the omnibus he once or twice took out his watch to see the time. Gentlemen, Mr. Briggs arrived at the Fenchurch Street station in time to go by the train which starts at a quarter before ten. He had taken a first-class return ticket in the morning, and he went into a first-class carriage with the intention of returning home. Now, gentlemen, it will be proved to you beyond all doubt or controversy that Mr. Briggs was robbed and murdered on that night in that railway carriage. The murder was consummated. His body was thrown out of the door of the carriage between two stations, the one the Bow station and the other

Solicitor-General

the Hackney Wick station—rather nearer the Hackney Wick than the Bow, at a spot which will be pointed out. The murder was first discovered in this way. Two gentlemen, clerks in the same banking establishment as Mr. Briggs, happened to be getting into the same train at the Hackney station. On getting in they felt something wet on the cushion, and upon examination they found it to be blood. One or two other persons got into the carriage, and they called the attention of the guard. The guard examined the carriage, and found a quantity of blood in it. He found also the black bag, the stick, and a hat, in respect of which I may have some remarks to make by and by. The guard, of course, caused all the passengers to leave the carriage, locked it up, and sent it on to the Chalk Farm station, where it was received by Mr. Greenwood, and sent to Bow station, where it remained from that time to this, and where it is now in the same state as that in which it was on that night. In the meantime the guard of an up train—an empty train—passing between the Hackney Wick station and the Bow station, observed a dark object on the ground between the two lines of railway. He called the attention of the driver to it; it proved to be the body of a man, who was still breathing, but insensible. He was taken to the Mitford Castle Inn, and it was then discovered that this person was Mr. Briggs. Gentlemen, Mr. Briggs never recovered his consciousness, but lingered in that state until the next evening, when he died, having been conveyed in the meantime to his own house.

It is proper that I should describe to you the state in which Mr. Briggs was at the time he was found. I am informed he had several severe wounds, apparently inflicted by a blunt instrument, used with great force. The skull had been fractured in several places. There were also other bruises and contusions, which the medical men who attended him are inclined to admit might be caused by the fall from the carriage; but I believe the medical men will think that those injuries which were not done by the fall were inflicted by a blunt instrument. The blood in the carriage would indicate that violence was there used. The dress of Mr. Briggs was disordered to such an extent as to indicate that a serious struggle had taken place. He had been robbed of

his watch and chain. They had been taken forcibly from his person, because there was subsequently found in the railway carriage the broken link of the chain. But he had not been robbed beyond this. He had four sovereigns in one of his trousers pockets when he was found. He had also in the other pocket a silver snuffbox, and he had a diamond ring on one of his fingers. These articles had not been taken. That is the description of the state of Mr. Briggs at the time he was found. Solicitor-General

Now, it would be well for me to describe a little more particularly the state of the carriage. If you take this to be the carriage—(referring to a model)—Mr. Briggs would appear to be sitting on the "near" side, as it is called. A large quantity of blood was found on this side, which appears to have flowed profusely from the corner seat. There is also a good deal of blood on the other part of the seat. I should state to you the carriage is not divided, as some carriages are, into compartments. It is a large and spacious carriage, and has a small partition between some of the seats. There was a small quantity of blood on the window where Mr. Briggs sat. There was also blood on other parts of the carriage, on the handle, and, I believe, on some of the door steps, which would be produced by his falling out of the carriage, and not by his being struck in the train. This blood in the carriage has been examined by Dr. Letheby, a very careful and efficient chemist, and he will show that it was no doubt human blood. This would lead to the inference that Mr. Briggs was sitting in this corner and had fallen asleep, dozing and resting his head against the brass rail, and that he had been struck by somebody on the opposite side on the left temple. Possibly then he fell on this seat, where the blood would flow. Then appearances would indicate that the murderer, whoever he was, had taken Mr. Briggs to the window opposite the door and thrown him out. It would be more convenient to throw him out at that side, because he would fall between the rails, where he would not so soon be discovered. This, however, is not a matter of proof. It may possibly be that Mr. Briggs, although bruised and stunned, may have had sense enough to move himself, with a view to getting up or out. The doors, I am told, are not locked on either side.

Solicitor-General Now, gentlemen, you may be disposed to ask me if I can inform you whether this murder was committed by one person only or by more than one person. It would appear, I think, more probable that the violence was committed by one person. If it was committed by a number of thieves Mr. Briggs's pockets would have been rifled, and his snuffbox would have been taken out; whereas if the murder was committed by one man alone he would take the watch and chain and leave the body, and the marvel is that he did it in so short a time. You may ask with what weapon the blows were inflicted, for, beyond all doubt, the blows were inflicted by some blunt instrument. I have been shown the stick of Mr. Briggs. It is a formidable weapon—a large, heavy stick, with a handle at one end. The stick was covered with blood, and it is now covered with blood. It is possible that the stick might have become blooded in the carriage without having been used as a weapon; but you will see it, and you will judge, assuming the murderer to have been on the opposite side, whether the wounds might have been produced by that weapon. But whether produced by that weapon, or a life-preserver, or other weapon, it is a matter on which I am not able to give you any distinct information. Gentlemen, you may be disposed to ask whether, on the part of the Crown, we are disposed to represent this as a premeditated murder or a fortuitous one. On that point, again, I cannot offer any distinct information, but it would appear to me that the murder was the result of some sudden determination. It may be that the murderer, seeing Mr. Briggs in the carriage, and being able to get in, or being in that carriage alone with him, he might have been seized with the sudden impulse to possess his watch. I am told a person with a second-class ticket might have got into that carriage, because, the train being late, the tickets were not examined. Any one with a second-class ticket might have got in and might have got out without his ticket being examined at Bow. However, these are matters into which it is not requisite for me to enter. I have described to you the state of Mr. Briggs's person. I have described to you the state of the carriage, and I have told you what was found in the carriage. There was found Mr. Briggs's bag, and there was found Mr. Briggs's

stick. There was also found in that carriage a hat, and that is a circumstance of the utmost possible significance. Gentlemen, that that hat was not Mr. Briggs's is beyond all doubt. The hat was crushed, apparently as if it had been trod upon in a struggle, and Mr. Briggs's hat was not found. The conclusion appears to me inevitable that the murderer, in the hurry and excitement of the moment, took the wrong hat. He took Mr. Briggs's hat with him and left his own. I venture to think that one point in this case which may not be disputed is this, that the man, whoever he was, who robbed and murdered Mr. Briggs left his hat in that carriage. If you discover with certainty the person who wore that hat on that night you will have the murderer, and the case is proved almost as clearly against him as if he was seen to do it. Solicitor-General

It is now proper for me to give some description of the prisoner at the bar, and to state the circumstances which point to his guilt. The prisoner, Franz Müller, is a German. He came to England about two years ago, and worked as a tailor for several employers, the last being Mr. Hodgkinson, Great Queen Street. Müller had been out of employment for about a week before the murder, and he appeared to have been very poor. He wished to make his fortune in America, and had no means to pay his passage, which amounted, I am told, to about £4. It is fair to state, however, that before the murder Müller contemplated going to America, and therefore the fact of his going there is not the slightest evidence against him. Müller had a watch and chain of his own, which he was very fond of displaying, but his necessities were such that he was obliged to pawn this watch and chain. He pawned the watch for £3 and the chain for £1. Müller lodged at the house of a Mrs. Blyth in the Victoria Park, and it is a fact not altogether undeserving of consideration that the railway station would be on his way home—or, at all events, would not be out of his way home. Now, what were his whereabouts on the Saturday night of the murder? After he left his employer, Mr. Hodgkinson, he was in the habit of passing a good deal of time at the house of Mr. Repsch, a tailor living in Old Jewry Street; and on this night he was at Mr. Repsch's. He left there about half-past seven o'clock, saying he was going

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to see some girl of the town with whom he was acquainted. He did not return to his lodgings until late at night. The landlady sat up until one o'clock, and he had not returned then. But he afterwards went home, and let himself in. He remained all the Sunday at his lodgings. On Monday morning at ten o'clock Müller was in possession of Briggs's chain. Of that there is no question whatever. At ten o'clock on the Monday morning he took this chain to the shop of a jeweller in Cheapside, of the name of Death. He asked Mr. Death what he would give in exchange. Mr. Death valued the chain at £3 10s., and he gave Müller another chain, which he valued at £3 5s. Müller said he would take a ring for the difference, and he took a gold ring with a white stone in it of the value of 5s. Müller then left Mr. Death with the chain and ring, the chain he took being in a small box, with the name of Mr. Death inside, which was a circumstance of some importance in this case. Müller went to Mr. and Mrs. Repsch's with the chain. He was asked where he had got it, and he said he had bought the chain off a man at the London Docks that morning, and had given £3 15s. for it. Now, that was clearly an untruth, for he had got it in exchange. He also said he had bought a ring, which was likewise untrue. On the same day he goes to Mr. and Mrs. Matthews, friends of his, and shows them the chain, and gives them an account of it. He shows the ring, and says it had been sent to him by his father from abroad. This is the account he gives of it, and, at the same time, having no further use for the box in which Mr. Death had put the chain, he left the box, and gave it to Mrs. Matthews's little girl.

Now, gentlemen, Müller therefore clearly had Mr. Briggs's chain on Monday morning at ten o'clock, and exchanged it for another. It may be proper for me to state to you what he did with the chain which he got, and what further transactions took place with reference to this murder. The next thing he appears to have done was to pawn this chain that he had got at Death's. He pawned it for 30s., and he contrived to raise 10s. more; he borrowed 6s. off Mrs. Repsch, he received 4s. 6d. from Mrs. Matthews in payment of a debt she owed him; and with that, making £2 10s. 6d., he goes to the pawnbroker and redeems his own watch. The next thing to do

is to get his chain out of pawn, which, as I have told you, he pawned for £1. He does that by borrowing the money. What he does subsequently is this. Having got his own watch and chain out of pawn for £3, he takes them to another pawnbroker's, of the name of Cox, who will advance more than that—who will advance £4. At the same time he sells the ticket to a man of the name of Glass, in whose name he had pawned the watch and chain. By this means he makes about £4 5s. What does he do with this? Why, having got this money, he goes to the London Docks—that was on Wednesday—he secures a passage by a vessel which was to start next day, but did not start till Friday. Now, that is the account I have to give you of Müller before he left this country, with respect to Mr. Briggs's chain. And, gentlemen, I think you will be satisfied that at this time, before he left the country, Müller had not only Mr. Briggs's chain, but Mr. Briggs's watch. The watch is never seen in England. He says nothing about the watch to anybody. When he got it what he did with it does not appear, but when he was arrested in America the watch of Mr. Briggs was found in his trunk, sewed up in a piece of canvas. The account Müller gives of the watch is this, that he had the watch for two years. Therefore it can hardly, I suppose, be suggested that he had taken this watch on the passage. That is not his own suggestion. He said he had had it two years. I think, therefore, you will come to the conclusion that Müller had the watch and chain before he left England. Now, gentlemen, how did he get them? Of course, on the part of the prosecution, I am willing to try any supposition that is consistent with innocence. He may say he bought the chain which he exchanged with Mr. Death at the docks on the Monday morning. He may say that he bought the original chain, which belonged to Mr. Briggs. Then it will be a matter for consideration whether Müller was in possession of Mr. Briggs's chain, and gave £3 for it. The evidence will satisfy you that Müller was in great distress, and, if he was unable to raise the money for his passage, where was he to get the money to buy a chain? Would he not have got his own watch out of pawn? And if he could buy a chain, where could he have got money to buy a valuable watch? This, I think, will be one of the greatest difficulties

Solicitor-General

Solicitor-General my learned friends will have to contend with in this part of the case.

Before I pass to another part of the case let me remind you that the stolen property is found on Müller shortly after the robbery, and that Müller gives a false account of the manner in which he came into possession of it. Now, in ordinary cases of felony such evidence, I think, you will hear from the learned judges, is submitted to juries, and forms evidence which makes a strong case against the prisoner. If Mr. Briggs had been robbed and not murdered it would have been a strong case. I am not aware that the law requires stronger evidence in a case that is attended with violence than in a case that is not attended with violence; but I can quite understand that juries may require stronger evidence to satisfy them. Gentlemen, that strong evidence I mean to give you. I now refer to the hat which was left in the railway carriage (hat produced). Gentlemen, this is the hat which was left in the railway carriage, and beyond all doubt it is not Mr. Briggs's hat. The hat bears the name of "H. Walker, 49 Crawford Street, corner of Seymour Street, Marylebone." The lining is a peculiar one, which you will have the opportunity of examining. We have got, then, as far as this, that the murderer, whoever he was, wore a hat of this kind on the night in question, which was left in the carriage. Now, gentlemen, I believe I shall be in a position to satisfy you that this was the hat of Müller, and that he wore this hat on that very night. I will very shortly state to you the evidence which will be laid before you on that subject. I believe I shall be able to show you under what circumstances this hat was bought. The circumstances are these. Müller was acquainted with a cabman of the name of Matthews. He became acquainted with him, having worked some time with Mr. Waugh, who was a relation of the cabman's wife. He observed the hat which the cabman wore, and said, "That is a nice hat; where did you get it?" And he said, "I got it at Walker's, in Crawford Street." He tried it on, and found it would not fit him. So he said to Matthews, "I will be much obliged if you will get me a hat a size larger, and then it will fit me." It was more convenient for the cabman to buy this hat, the street being in his beat, than for Müller to buy it himself. The

cabman bought this hat for him for 8s. 6d., and Müller paid him in kind by giving him a waistcoat and some other clothes. That is the account Matthews gives of this hat. It came out in this way. It appeared, as I before said, that Müller on the Monday, not wanting the box, gave it to Matthews's little child. Matthews observed on it the name of Death. He saw a placard announcing that the murderer of Mr. Briggs had exchanged Mr. Briggs's chain with one Death. He then gave information to the police about the hat, and said, "You will probably find the hat to be Müller's," and he gave a description of it. One side of the brim was worn slightly down; he had seen it often; and he will identify this hat as clearly as it is possible to identify a hat. But the evidence of the identity of this hat does not rest upon the cabman alone. I shall call Mr. and Mrs. Repsch, and Mrs. Repsch will tell you she observed the prisoner wearing this hat. She observed him several times put off this hat, and put letters in the lining. This was the hat he wore on the Saturday night. In Müller's room after he left was found a hatbox with the name "Walker & Co." on it, so it is quite manifest he had a hatbox of Walker's. Now, the counsel for the defence may say that Walker may make hats for some other men than Müller, and the murderer may not have had a hat of Walker's. Gentlemen, Müller had a hat of Walker's, and if not in the box, where is this hat of Walker's? This will be a question the defence will have to answer. Solicitor-General

Gentlemen, the case does not rest here. The murderer, whoever he was, not only left his own hat behind, but he took away Mr. Briggs's hat. You would therefore expect to find Mr. Briggs's hat in his possession. Gentlemen, I believe I shall be able to show you by evidence peculiarly striking that Mr. Briggs's hat was found in Müller's possession. It was found in his possession when he was apprehended in America. Müller himself told Mrs. Repsch that Matthews had made him a present of the hat. The hat was found in Müller's box in the ship in which he was apprehended in America. Gentlemen, Mr. Briggs dealt, and dealt only, with hatters of the name of Digance & Co., and there was the name of "Digance & Co., Royal Exchange," in the hat. When young Mr. Briggs saw this hat first he expressed doubts of its identity, because he

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said, "My father's hat was higher in the crown than this." He was perfectly right. This hat has been cut down an inch or an inch and a half. I will call before you the man who made this hat, and, as Mr. Briggs was in the habit of ordering his hats, it would be made to order. This hat was ordered in September, 1863, and it has been well worn since then. Mr. Briggs wore what is called a bell-crowned hat. I will call the man who made it, and he will say this is the hat he made. I will further say that Mr. Briggs complained that this hat was too large for him, and some silver paper was put in under the lining. Now, some of that paper has been taken away, but not completely taken away, and you will see pieces of silver paper still remaining there. The man who made this hat will tell you it has been cut down an inch or an inch and a half, and he will further tell you it has not been cut down by a hatter. He will say that a hatter would have used varnish and a hot iron, and he will tell you that this has merely been pasted on and sewed—and sewed very neatly and regularly. It has therefore been cut down, not by a hatter, but by one who understood sewing. In fact, it has been cut down by a tailor, and not a hatter. Now, you may ask, why did Müller cut down the hat? Had he a fancy for a low-crowned hat? Why, no; for his own hat was not low crowned, and he wore that. The maker of the hat, a man of the name of Thorn, will tell you when he made this hat he wrote the name of Mr. Briggs inside the lining, as it was the rule to do with all customers. That part of the hat on which Mr. Briggs's name was written is that part which has been taken away. That Müller had this hat in his possession is beyond all doubt. Then, gentlemen, you will say whether the evidence leads you to the conclusion that on finding the name of Mr. Briggs in the hat Müller made this alteration. Müller, on being questioned, said he had this hat a year. This hat is clearly found in Müller's possession when he is apprehended in America, and I think the evidence will lead you to the conclusion that he wore it on the Monday morning after the murder, and not before that, because Mr. and Mrs. Repsch will tell you that upon his coming to them on the Monday morning after he had exchanged Mr. Briggs's chain for another, which he got from Mr. Death, they observed that Müller had a new hat, clearly

different from the one he had on Saturday. They called attention to it, and said, "You have got a new hat." He said he had had it two months. "Why," Mr. Repsch said, "this is a guinea hat." "No," Müller said, "I gave 14s. 6d. for it." You, gentlemen, will judge of the value of this evidence. I will further observe that, on Müller's effects being examined, a portion of his dress was missing. A portion of the trousers he wore on that Saturday night, and some other clothes, were missing. I have before told you the watch was found in the box. These, then, are the principal facts. Solicitor-General

Undoubtedly the evidence in this case is what is called circumstantial evidence chiefly, but I may remind you that it is by circumstantial evidence that great crimes are most frequently detected. Murders are not committed in the presence of witnesses, and to reject circumstantial evidence would be to proclaim immunity to crime. There is a description of evidence which I may be allowed to call evidence of facts. Such is the evidence of the watch and chain, such is the evidence of the hat cut down, and such is the evidence of the box with Mr. Death's name on it. There are circumstances which give evidence which cannot be false and which cannot be mistaken. Gentlemen, without again repeating the many details of this case, the main facts may be summed up thus—Mr. Briggs is robbed and murdered in a railway carriage; the murderer takes from him his watch and chain, and takes from him his hat; all the articles taken are found on Müller; he gives a false statement of how he got them, and the hat left behind is the hat of Müller. Gentlemen, I venture to think that if these circumstances are proved to you by witnesses, a stronger case of circumstantial evidence has rarely, if ever, been submitted to a jury. If, indeed, after hearing the whole case, you can entertain a reasonable doubt of his guilt you will acquit him, but if, on the other hand, the evidence amounts—I will not say to demonstration, for demonstration is a species of proof not to be found in cases of murder—but if the evidence leaves no reasonable doubt of the prisoner's guilt, I am sure you will not hesitate to perform the duty which is cast upon you.

EVIDENCE FOR THE PROSECUTION.

David Buchan

DAVID BUCHAN, examined by the SOLICITOR-GENERAL—I reside at 23 Nelson Square, Peckham. Mr. Briggs, the deceased, was a relative of my wife. His age was about sixty-nine, his height 5 feet 9 inches. I remember his coming to visit us on the 9th of July. He came about five o'clock. He had a black bag with him. He dined at my house that day, and left about half-past eight. I accompanied him as far as the Lord Nelson in the Old Kent Road, and saw him to an omnibus, which would take him to King William Street, for the purpose of going to Fenchurch Street railway station. When I parted with him he was in his usual health and spirits. I knew that he wore a watch and chain, the watch in his waistcoat pocket, the chain being attached to his buttonhole. He had a small seal and two keys attached to his watch. He had the watch that night; he referred to it to see whether he was in time for his train. The next morning I went to the railway, and then to Mr. Briggs's house between ten and eleven. I saw him, but he was at that time insensible, and did not recover up to the time of his death. I left before he died.

Cross-examined by SERJEANT PARRY—Was he perfectly sober?—Yes.

Was he in good spirits?—Yes.

He was in perfect self-control?—Yes.

You are quite sure of that?—Yes; I am quite certain of that.

Is your wife here?—Yes.

Was she examined before the coroner?—Yes.

Do you know whether he had more than one hat?—I should think he had.

Was he a gentleman well off in the world?—I believe so.

And lived in a fair and reasonable style?—Yes.

You say that this omnibus that he got into goes up the Old Kent Road?—Yes; through the Borough and over London Bridge.

And from London Bridge to King William Street?—Yes.

Where did you part with him?—At the Lord Nelson, Old Kent Road. The 'bus started from there.

Mr. Serjeant Ballantine.

David Buchan

Are you aware that any threats had been held out against Mr. Briggs?—Not to my personal knowledge.

Not to your personal knowledge? Have you heard some say so?—I heard my wife say so.

I believe your wife was examined before the coroner?—Yes.

But not before the magistrates?—No.

Mrs. Buchan

Mrs. Buchan, examined by Serjeant Ballantine—I am the wife of the last witness. I am a relative of Mr. Briggs. He was at our house at dinner on the 9th of July. He was in his usual health and spirits. He was perfectly sober. I never saw him again alive.

Cross-examined by Serjeant Parry—I was examined before the coroner, but not before the magistrate. I believe that my evidence was not considered of any importance; it was simply corroborating my husband's statement.

Have you ever heard any one use any threats towards Mr. Briggs?—Not personally.

What do you mean by not personally?—Not from any one's lips, but I have from a third person's lips. The coroner asked me that question.

Was it a person to whom he objected to send money?

The Solicitor-General objected to the question.

Serjeant Parry—I am only in the exercise of my rights in asking it.

The Solicitor-General would not press his objection if his friend wished to put the question.

Serjeant Parry—I don't want the slightest favour, but only my right, and especially in a case of this kind.

The question was not repeated, and the witness retired.

T. Fishbourne

Thomas Fishbourne, examined by Mr. Hannen—I am a ticket collector at Fenchurch Street station on the North London railway. It is my duty to mark the tickets. I stand at the bottom of the stairs leading to the platform. There is a considerable flight of stairs up to the platform which passengers have to pass after they leave me. I knew the late Mr. Briggs

T. Fishbourne by sight. He was in the habit of travelling by the North London railway. On the night of the 9th of July last I saw him. He presented his ticket in the ordinary way. It was a quarter to ten o'clock. There was a train to start about that time. He presented his ticket in time to start by that train. It was to start at 9.45, or about that time. I don't know whether it was a minute or so late. He spoke to me, and I answered him; I marked his ticket. I heard of his death about twelve o'clock the next day. I went to his house and recognised him.

Cross-examined by SERJEANT PARRY—I only look at the tickets to "nip" them. I "nip" all for the North London railway.

Henry Vernez HENRY VERNEZ, examined by Mr. BEASLEY—I am a clerk in the employment of Messrs. Robarts & Co. On Saturday, the 9th of July last, I went to the Hackney station of the North London railway. It was about ten o'clock. I was in company with Mr. Jones, a clerk in the same employment as myself. I took a first-class ticket for Highbury. Upon the arrival of the train from Fenchurch Street I went to the door of a first-class carriage. I opened the door of the carriage, which was empty. I and Mr. Jones got into it. I sat on the right-hand side going in, and about the centre of the carriage; that is, with my face to the engine. Before the train started Mr. Jones called my attention to something—to some blood on his hand. I immediately called the guard, and the guard got a light. Then we got out. Two other persons besides us, who had got into the carriage, also got out. I saw a stick, hat, and a black bag in the carriage when the guard brought a light. The guard then locked up the carriage, leaving the articles in it. I got into another carriage.

SERJEANT PARRY—I have no questions to ask the witness.

Sydney Jones SYDNEY JONES, examined by Mr. BEASLEY—I live at 10 Barnsbury Park, Islington. I am also a clerk in the employment of Messrs. Robarts & Co. I went to the Hackney station on the evening of the 9th July with the last witness. It was about ten o'clock. I had a first-class ticket for the train

going to Highbury. I won't say that I took it, or my friend. I got into a first-class carriage with the last witness. He opened the door. On entering it I saw a black bag on the left-hand side on the seat nearest the door. I put it on the opposite side. Sydney Jones

Cross-examined by SERJEANT PARRY—I knew Mr. Briggs very well. I was in the same bank with him as a clerk. I had seen him daily for the last twelve months. I had known him about four years.

BENJAMIN AMES, examined by the SOLICITOR-GENERAL—I am a guard on the North London railway, and was guard of the train which left Fenchurch Street at 9.50 p.m. on the 9th of July. It was five minutes after its time. As we were late in arriving at Fenchurch Street I had not time to examine the tickets or shut the doors. I knew Mr. Briggs as a passenger. I did not observe him that night. When the train arrived at the Hackney station my attention was called by Mr. Vernez to No. 69, first-class carriage. I noticed something was the matter. I went back to the brake van and procured my hand-lamp, and then examined the carriage. On the near side cushion there were marks of blood—that is, the cushion nearest the engine—and on the quarter-lights on the near side there were marks of blood. The quarter-light is a square of glass that shows light into the carriage even with the seat. After examining that part of the carriage I found the hat, stick, and bag. (The hat and stick were shown to the witness, and he said that they were like those he saw.) There were marks of blood upon the hat, which was crumpled up, and also on the stick and bag. I pulled up the windows of the carriage and locked the doors. There were no passengers in the carriage when I went to inspect it. I locked up the carriage as it was, with the hat, stick, and bag in it. I telegraphed on to Chalk Farm. Mr. Greenwood is stationmaster there. When we arrived at Chalk Farm he examined the carriage, and locked it up, and it was brought to Bow station. It has not been used since. It stands in the shed there now. Mr. Greenwood took charge of the hat, stick, and bag as lost property. B. Ames

B. Ames

Cross-examined by SERJEANT PARRY—There was a good deal of blood, as there were a great many spots on the cushions. I did not notice any blood on the floor. On the opposite cushion there was a finger mark, as though a person's hand had been wiped there. The blood was in a liquid state when I saw it. There was blood on the glass of the window—blood about the size of a crown piece, and it was trickling down the glass.

Was it a large pool of blood that you saw?—I should think about the size of a sixpenny piece or a little more. That was on the cushion. There was more than one spot—there were two or three. I cannot give the time I arrived at Hackney. I can give the time we left. We left Fenchurch Street station at 9.50. We left Hackney at 10.15, and Bow at one minute past ten o'clock. There is a station between Bow and Hackney—Victoria Park station, sometimes called Hackney Wick. I left Victoria at 10.15. I have not measured the distance between Bow station and Hackney. I did not see Mr. Briggs that night. I did not see him at Bow station. We left Hackney Wick at 10.5, and Hackney at 10.15. We stayed there about four minutes. We differ in the length of time going the journey. It differs sometimes owing to the state of the weather acting on the rails—as slippery weather.

On that night how long were you going from Bow to Hackney Wick?—From three minutes to three and a half minutes. I had nothing to do with the discovery of the body.

Re-examined by the SOLICITOR-GENERAL—I discovered blood on the quarter-light and offside cushion on the same side of the carriage. It was about the size of a fourpenny piece. I examined the door on the other side—there was blood there on the handle on the offside.

Wm. Timms

WILLIAM TIMMS, examined by SERJEANT BALLANTINE—I am a guard on North London railway. I brought a train of empty carriages from Hackney Wick station on 9th July. I left about twenty minutes past ten. We have to go over the canal bridge at that point. The driver called my attention to something in the six-foot way. I put on the brake, and stopped the train as soon as possible. Upon examination we found the body of a man lying in the six-foot way. He was

lying on his back, with his head towards Hackney. He was lying straight about midway on the six-foot way between the up and down lines. I picked the body up, and took it to a neighbouring public-house. He was alive at the time. Medical men were sent for directly. **Wm. Timms**

Cross-examined by SERJEANT PARRY—It took four or five of us to carry the body. No persons came to the place where the body was till they were called upon. I went to the public-house to get assistance. Several other persons came to help besides those who carried the body. I should think there might have been a dozen altogether.

By the CHIEF BARON—He was lying in the six-foot way between the up and down lines, and with his head towards Hackney.

ALFRED EKIN, examined by Mr. HANNEN—I was the engine-driver of the train of which the last witness was guard. We started from Victoria Park station about 10.20 p.m., and proceeded on the line towards Fenchurch Street. On my way my attention was directed towards something on the line. It was a black object, and was lying on the six-foot way about half-way between the two stations. We were just entering on the canal bridge when I saw it. I called the attention of the last witness to what I saw. I stopped the engine as soon as possible, and backed to the spot where the body was lying. I did not take part in carrying it to the public-house. I stopped with the engine. I did not see any more of the body afterwards. When I first called the attention of the last witness to it there was nobody else there but our fireman. No one came to the spot before the last witness had gone to the public-house. **Alfred Ekin**

Cross-examined by SERJEANT PARRY—Where the body was found do the rails run on an embankment?—Yes.

How high is that embankment?—About 8 or 9 yards.

EDWARD DOUGAN (Police Constable K71), examined by Mr. BEASLEY—I was on duty in Wick Lane, Bow, about twenty minutes past ten on the night of the 9th of July. **E. Dougan**

E. Dougan In consequence of a cry I heard on the line I went up the embankment, about eight or nine steps up. There is a kind of path made there by persons going up and down at the corner of the bridge. I saw several persons carrying a gentleman down off the line. I accompanied those persons to the Mitford Castle public-house. I sent for a surgeon, seeing the condition of the deceased. I searched his pockets, and found four sovereigns and some keys in the left-hand side trousers pocket, and in the vest pocket a florin and half of a first-class railway ticket of the North London railway. In the right-hand side trousers pocket there were 10s. 6d. in silver and copper, some more keys, a silver snuffbox, and a number of letters and papers, and a silk handkerchief, and a diamond ring on the little finger, which I took away. There was a gold fastening attached to his waistcoat, but I could not undo it. I observed his dress, saw that his shirt was rumpled, and that there was one black stud in the front, which I took away, only one. I have measured the distance from the Bow station to the spot where the body was found. It was 1434 yards, and from the spot to Hackney Wick station 740 yards. The whole distance from Bow to Hackney Wick is 1 mile and 414 yards. I have not measured from Hackney Wick to Hackney.

F. Toulmin Mr. Francis Toulmin, examined by Serjeant Ballantine—I am a Fellow of the Royal College of Surgeons, carrying on my business in Lower Clapton. I was the usual medical attendant of Mr. Briggs. I believe that he was in his seventieth year. He enjoyed very good health until this spring, when he was attacked with erysipelas, but from this he had perfectly recovered, though in danger for some time. On the morning of the 10th July I was sent for between two and three o'clock. I arrived before three. I found that he was still living, but groaning, and was perfectly unconscious. I attended him from time to time till he died, which was at a quarter before twelve o'clock on the Sunday night. It was a hopeless case. After his death I made a careful post-mortem examination. This was on the Tuesday following, and in the presence of Mr. Brereton, Mr. Cooper, and others. I

made notes of it immediately after. The cartilage of the left ear was severed by a jagged wound; about an inch anterior to the left ear was a deep wound, extending to the bone, if not into it. Over the temporal muscle was a contused wound—a superficial and grazed wound, not a deep wound. There were several incised wounds on the scalp, as many as four, and one other, near the crown of the head, behind the others, 3 inches long, behind the vertex. It was an incised wound. The other wounds were about ¾ inch in length, having a direction all from before to behind. That applies to all wounds on the top of the head. Those wounds all extended to the pericranium, but had not divided it. On removing the scalp the shell was found to be extremely fractured; the fissures extended in various directions, radiating from the centre. I have some sketches here. F. Toulmin

Serjeant Ballantine—Thank you. We won't trouble you for them now.

Witness—The fissures radiated, as it were, from a centre.

Does that imply one blow or more?—I cannot say. A portion of the outer commencement of the parietal bone, ¾ inch long and ½ inch wide, was perfectly separated, and fell out. There was an effusion of blood between the neck and the skull cap or calvarium. There was also a further effusion of blood between the skull cap and the dura mater. The temporal bone was driven in upon the brain.

In your opinion, were all or any of these wounds inflicted by a sharp or a blunt instrument?—I cannot account for the wounds on the top of the head except on the presumption that they were inflicted by a blunt instrument, used with considerable force. I think that the wound on the left ear was also inflicted by a blunt instrument; but of that I cannot speak so certainly; that was my impression.

Are you able to say whether many blows were struck?—There were four or five distinct wounds on the scalp which would account for so many distinct blows.

Does the blunt instrument apply to all of these?—Yes. I was especially guided to think that, because the pericranium was not divided, which it would have been by a sharp instrument.

F. Toulmin

Were there any wounds about the head which could be traced to a sharp instrument?—No.

Cross-examined by Serjeant Parry—There were five or six wounds altogether.

Speaking with reference to all these wounds, must considerable force have been employed?—The contused wound on the temple might have arisen from a fall.

You have said that the incised wounds on the crown of the head were 3 inches long; how deep were they?—Not more than ½ inch—perhaps not quite so much.

How tall was Mr. Briggs?—About 5 feet 8 inches.

What weight was he?—He had decreased in flesh.

I did not ask you that; be good enough to answer my question?—Between 11 and 12 stones.

I do not suppose you weighed him. Was he more than 12 stones?—I should say not.

Alfred H. Brereton

Mr. Alfred Henry Brereton, examined by the Solicitor-General—I am a surgeon, residing at the Old Ford Road. I was called to see Mr. Briggs about eleven o'clock on Saturday, 9th July, at the Mitford Castle public-house. I was the first medical man that saw him. I found him in a lower room near the bar. He was lying on a table, evidently suffering from concussion of the brain. In consequence of the room being close, I had him removed from the lower room to an upper room, and laid on a mattress on a table. I attempted to restore reaction by different methods, but could not succeed.

By Baron Martin—You failed?—Yes.

Examination resumed—Describe distinctly the injuries which he had received?—There was a jagged cut wound across the cartilage of the left ear. In front of that ear there was also another jagged wound, and above the same ear there was also a swelling, a scalp tumour. There were also two deep wounds on the vertex of the head.

Could you judge how these wounds were inflicted?—I made two distinctions at the time between those wounds on the vertex of the head and those on the left side of the head. I

think that those on the left side of the head were owing to the fall from the carriage. Those above I attributed to some blunt instrument. **Alfred H. Brereton**

Some of the injuries you refer to a fall and some to a blunt instrument used with violence?—Yes.

He never recovered his consciousness?—No. I was with him during the whole night until six o'clock the next morning, when he was attended by Mr. Toulmin.

I believe you made some examination of the railway carriage?—That was at six o'clock on the Sunday morning. I found there was blood on the carriage. On the offside there was evidently blood spurted, on the outside lower panels of the carriage and the inside of the door. There was blood also on the iron step, and on the footboard of the carriage and the platform.

The wooden step?—Yes. There was some blood on the hinder wheel of that division of the carriage. I did not observe any on the door handle. I found a link of a chain in the carriage, and gave it to the police. I found it on the near side mat in front of the near side cushion.

SERJEANT PARRY—I have no questions to ask.

Mr. VINCENT MERTON COOPER, examined by Mr. HANNEN—I am a member of the Royal College of Surgeons. I was called in to see Mr. Briggs shortly after the accident. It was about an hour afterwards. I made an examination with the other witnesses. I have not been in Court while they were examined, and have not heard their evidence. There were some scalp wounds over the two parietal bones, a jagged wound of the left ear, a few bruises about the forehead, and a large and deep wound in front of the ear. There was a tumour over the left side of the left ear. The skull was fractured. **V. M. Cooper**

Were any of these wounds caused by a blunt instrument?—I think that the wounds on the top of the head were caused by a blunt instrument, but not the wounds over the left ear. I think they were caused by coming into contact with a stone on the railway.

SERJEANT PARRY—I have no questions to ask this witness.

G. Greenwood

GEORGE GREENWOOD, examined by the SOLICITOR-GENARAL—I am the stationmaster at the Chalk Farm station of the North London railway. On Saturday, 9th July, Ames, at 10.30 p.m., drew my attention to the first-class compartment of a carriage there. I took from it a hat, bag, and walking stick (produced). I locked them up till next morning, and then gave them to Lambert, the policeman.

Cross-examined by SERJEANT PARRY—I took the hat out of the carriage about 10.30. I took it to my own room and locked it up for the night. I am sure of that, and on Sunday morning I gave it to Lambert. It is now in exactly the same condition as when I had it. The lining of the hat has been torn a little since. The lining was pointing upwards when I took it out, as if the hat had been pressed down hard on the head and then pulled off and the lining taken out with it.

L. Lambert

LEWIS LAMBERT (Police Constable K311), examined by the SOLICITOR-GENERAL—I am a police constable. I went, on the afternoon of Sunday, 10th July, to the Chalk Farm station, and the stationmaster there handed me a hat, stick, and bag. (Articles produced and identified.) I took them to Mr. Briggs's house in Clapton Square. The stick and bag were owned by young Mr. Briggs, but the hat he knew nothing of. I then took them to Bow station and gave them to Inspector Kerressey. They were in my care till I gave them to him.

Cross-examined by SERJEANT PARRY—Young Mr. Briggs would not own the hat. He said he did not know anything of it—that it was not his father's. That was the hat found in the carriage. I had nothing to do with the other hat (that belonging to Mr. Briggs).

W. Kerressey

WALTER KERRESSEY (Police Inspector K), examined by Mr. BEASLEY—I produce a hat, stick, and bag. (Articles identified.) I received them from Lambert. I handed the hat over to Inspector Tanner on the 11th, and the stick and bag after the last examination at Bow Street. Up to that time they were in my care. On Sunday morning, 10th July, I went

to Bow station, about ten in the morning. I there saw in a shed a railway carriage. The door handle on the offside was bloody; that is the offside going towards Hackney. There was blood also on the cushions, on the front part of the carriage, and also on the near window. There was a little blood on the off window, on the footboard outside, and step, on the same side as the handle, and on the panel of the carriage outside, on the same side. I then went to Mr. Briggs's house about eleven o'clock. I saw him; he was then alive, but insensible. On Tuesday morning I observed on his waistcoat a hook, which I produce. It was fastened to the waistcoat at the third buttonhole. Mr. Thomas Briggs gave it to me on the Tuesday. I saw him take it off the waistcoat. It is a patent hook difficult to undo—he knew how to undo it. If closed, there are not many persons who would know how to open it. I produce also a ring which I received from Police Sergeant Prescott. It is a small "jump" ring. Mr. Brereton was present at the time I received it. I also produce a gold chain, to which there were attached a swivel, seal, and two keys. I received them from Mr. Death. W. Kerressey

Cross-examined by Serjeant Parry—I had directions from Sir Richard Mayne to go to New York on the 22nd of July. Up to that time I had been making inquiries with respect to this case. I know Thomas Lee. He was not examined before the coroner in my presence. I heard he was examined.

Have you not, in the course of your inquiries in this case, heard that Mr. Briggs was seen alive on the night of the murder at the Bow station?

The Solicitor-General—I object to that question. The matter is not in evidence either on the part of the Crown or of the prisoner.

Serjeant Parry—I apprehend that if the witness heard a fact of so important a character as this, and that fact is kept from the jury, I have a right to ask a witness, whose special duty it was to make inquiries, whether such a fact was not heard of, on the ground that it goes to the credit of the witness.

Chief Baron Pollock decided against the question being

W. Kerressey put, on the ground that if such questions were admitted they would let in a flood of hearsay evidence that would take up time without advancing the case.

Cross-examination resumed—On the 11th July I first heard of the reward of £200, viz., £100 by the Government and £100 by the bank. The North London railway afterwards offered another £100. It was offered within a week. I saw it placarded at several stations and at Bow, my station, and I have seen it advertised in the newspapers. I have no doubt the placards were on the walls of London, but I did not notice them. I am sure the handle of the door was bloody. There was no blood on Mr. Briggs's hands.

Dr. H. Letheby Dr. HENRY LETHEBY, examined by the SOLICITOR-GENERAL—I am a professor of chemistry at the London Hospital. I made a particular inspection of the railway carriage with a view to ascertain if there was blood and the nature of the blood. I examined the carriage on Tuesday, 26th July, at Bow. It was No. 69. I examined the first compartment next to the buffers; there were three or four compartments. This was the end compartment. I observed, on the seat of the carriage, blood was upon two of the cushions. I have measured the globules of the blood, and I believe it to be human blood. It had all the characteristics of human blood. It was the first cushion on the left-hand side as we were facing the front of the carriage, the cushion nearest the engine. The cushion had been turned, the leather side uppermost, so that the blood had been retained in the cushion. There was blood on the glass immediately above the cushion. It had the characteristics of human blood, and, from the coagulum in it, had been living when it came on the glass. It contained particles of brain matter. There were two spots like splashes. They were about the size of sixpences. Such an effect would have been produced by a blow if a person had been sitting on that part of the carriage, and had been struck on the left side of his head; as he was leaning against the glass that effect might have been produced. There were about thirty spots of blood on the opposite cushion, the one furthest from the engine. There were two on the other cushion on the same

side. In fact there was blood on all four of the cushions. There were spots of blood outside the door, and on the carriage, which trailed in the direction of the hinder part. I examined the stick; there was blood on it. (Stick produced.) I see it there now. There is very little there, though it covers nearly the whole of the stick, from the bottom to the top. I did not see any blood on the top, or for 6 inches downwards. Dr. H. Letheby

Cross-examined by SERJEANT PARRY—I examined the carriage on the 26th July, and the stick on the 6th October. There was very little blood on it, but it is there now. It does not require magnifying power to see it, but it requires magnifying power to discover it to be blood. I used a microscope and also chemical tests to determine the character of the stains. I have not examined anything else at the request of the prosecution, but the carriage and the stick.

JOHN DEATH, examined by SERJEANT BALLANTINE—I live at 55 Cheapside, and am a jeweller. I know the prisoner at the bar very well. On Monday, 11th July, he came into my shop, just before ten in the morning. I was called into the shop, and a chain was handed to me by my brother, saying that the customer wished to part with it in exchange. (Mr. Briggs's chain produced.) That is the chain. I examined the chain closely with a magnifying glass, in presence of the prisoner. Then I went to some scales behind him, and weighed the chain. As I did so he turned round to see me do it. I then told the prisoner that I would give him £3 10s. for it. He silently accepted that price, and said he would take a chain in exchange of the same cost. I produced a chain at £3 15s. He made some objection to it, because it had drop appendages. I persevered to sell that chain. He said that he would take it if I would sell it at the same price, £3 10s. I objected. I then found a chain worth £3 5s. I showed him that, and he very shortly accepted that chain. I asked my brother for a box, which was given to me. I put the chain in the box, and made a parcel of it. (Box produced.) I gave him the box, and, after a moment's pause, said, "What will you take for the 5s.?" He immediately said, "A John Death

John Death finger ring." I showed him about half a dozen on a card, one of which was 5s., and he accepted the one worth 5s., after putting it on his finger, instead of the 5s. in money. (Box produced.) This is the same size, shape, and colour as the box in which I packed the chain. I believe it to be the same box.

Take the chain of Mr. Briggs, and tell me whether a jump ring formed part of the chain?—There must have been a jump ring to this chain at this junction to connect the two parts of the chain and the hook together. There is now a piece of wire to it. It is the same as when I examined it first. It is a common pin without a head, bent round, which served the same purpose as a jump ring. There was also a piece of string holding together the two parts of chain, tied in such a way that if the jump ring had given way the two parts of the chain would still remain together. The piece of string has been used for the purpose of attaching a gold key to the chain, so that the chain would not part if the jump ring were broken. It is in the same condition as when I first saw it. I gave information to the police in this matter the same afternoon as the prisoner had been there, and accompanied the officers to New York. There was a white cornelian stone, with an engraved head, in the ring which I sold to Müller.

Cross-examined by Serjeant Parry—It is very common to exchange goods in my business. My brother saw the prisoner, and the prisoner saw me weigh the chain; he was close to it, only a show-case parting him. I don't know what passed between the prisoner and my brother before I came into the shop. The prisoner did not speak to me about the chain. It was handed me by my brother. My brother is now minding the shop, and can soon be here if required. I had never, to my knowledge, seen the prisoner in my shop before. I am mostly in the shop, but my brother is constantly there, and might have dealings with which I was not personally acquainted.

Take that chain (chain belonging to Müller, and referred to as having been seen in his possession some time before the murder.) Now, Mr. Death, tell me did not the prisoner, in November, 1863, get a link put to that very chain at your

Mr. James Hannen

(From a Photograph by the London Stereoscopic and Photographic Co., Ltd.).

shop, and pay you 1s. 6d. for it?—Certainly not, to my knowledge. John Death

Did he not call two or three times after he had left the chain to have the link put to it?—I never saw the prisoner before the 11th of July to my knowledge.

Baron Martin suggested that as there were three chains in question it would be best to distinguish Mr. Briggs's chain as No. 1, the chain given by Mr. Death in exchange as No. 2, and Müller's own chain as No. 3.

Cross-examination resumed—Now, look at that chain (No. 3) carefully?—I don't think I ever saw it before. I could not swear to my own workmanship in such a matter as putting in a link.

Do you recollect in June last the prisoner offering to exchange another chain at your shop?—I do not. My memory is very good for persons; and if he had done so I think I should have remembered him.

Look again at that chain (No. 3) and tell me whether a link has been broken?—This chain has been mended. I cannot say whether it is my work or not. I cannot remember it; in fact, I am sure I have never seen this chain before.

Re-examined by the Solicitor-General—As far as my memory serves me, up to the morning of the 11th of July I had never seen the prisoner before.

The Chief Baron—Had you not better send for the brother of Mr. Death?

Serjeant Ballantine—We have sent for him, and he will be here very shortly.

Mrs. Ellen Blyth, examined by Mr. Hannen—I am the wife of George Blyth, a messenger, living at 16 Park Terrace, Old Ford Road. I know the prisoner at the bar. He lodged at our house for about seven weeks ending the 14th of July. He occupied the first-floor back. He took his meals with us. I knew he was a tailor. He usually left our house at half-past seven in the morning, or from that till eight. I remember the morning of Saturday, 9th July. I saw the prisoner at eleven o'clock that morning. When he went out I did not expect him home at any particular time at night. I sat up Mrs. Blyth

Mrs. Blyth till eleven o'clock that night. He had not then come home. He had a latchkey. I did not hear him come home. My husband and myself went to bed at eleven o'clock. I saw the prisoner next morning between eight and nine o'clock. He breakfasted with us, and stopped at home all day. In the evening we—my husband, myself, and the prisoner—went out together and returned together. He spent the day with us on Sunday. On Monday morning I saw him between seven and eight o'clock. He breakfasted with us, and left the house about eight o'clock. I saw him next between eight and nine on the same evening. He spent some time with us, and showed us a gold albert chain (chain No. 2, Mr. Death's, produced). I don't know whether that is the chain. I did not examine it enough to know it again. It is something similar to it. He said nothing about it. He remained Tuesday and Wednesday, and left on the Thursday morning. When he came to us he brought a hatbox and a long black box. This hatbox (the one produced) has the same name, "Walker, 49 Crawford Street, Marylebone," upon it. I found that box in the prisoner's room after he left, and gave it to the police constables when they came to make inquiries.

Cross-examined by SERJEANT PARRY—He passed the day on Sunday much the same as usual, and there was nothing different in his manner. I have known the prisoner more than twelve months, and have found him a quiet, inoffensive, well-behaved young man. I have had plenty of opportunities of judging of his temper, as he used to take his meals with us. He took every meal with us on that Sunday. I consider he was of a kind and humane disposition. We usually took a Sunday walk together. He walked out with us on the Sunday, and exhibited the same manner he usually exhibited. My husband has not been examined either before the coroner or before the magistrate. He has not been examined at all.

Did the prisoner wear the same dress on the Sunday that he wore on the Saturday?—Yes.

Did he wear the same dress on the Monday as on the Saturday and the Sunday?—I cannot recollect whether the trousers he wore were light or dark; but he wore the same coat. I have seen the coat since, and have recognised it as the one he wore. (Coat produced and handed to the witness.)

That is the coat he had on on the Saturday, Sunday, and Monday, but I am not sure as to the trousers. I am sure that he wore the same trousers on Saturday and Sunday, but I am not sure about Monday. He was lame, I think, of the left foot. He wore a slipper on the Saturday, which I have given up to the police. (Slipper produced.) That is the slipper. I see it is for the right foot, but I am not quite sure which foot was lame. I am quite sure he was lame, and went out with a slipper on on the Saturday. This is the slipper left at my house by the prisoner. I gave that slipper to Inspector Tiddy with the hatbox. The prisoner got lame on the Thursday. He was confidential with us, but I don't know where he was going on the Monday. I did not know then whether he had been to look after a ship at the docks. I knew of his intention to go to America a fortnight previous to the 14th of July. He told us when he left the name of the ship he was going to New York in—the "Victoria." He did not give us any address in New York. I recollect a letter from him shortly after he left. (Letter produced.) That is the letter. (Letter read.) It is from the prisoner, and the envelope is directed to Mrs. Blyth, 16 Park Terrace, Old Ford Road, Victoria Park, N.E., London (in pencil). It is as follows:— **Mrs. Blyth**

On the sea, July 16, in the morning.

Dear Friends,—I am glad to confess that I cannot have a better time, as I have; if the sun shines nice and the wind blows fair, as it is at the present moment, everything will go well. I cannot write any more, only I have no postage; you will be so kind to take that letter in.

The postmark is Worthing, 16th July, 1864.

Do you know the prisoner's age?—I believe about twenty-three or twenty-four. I never washed for the prisoner until the last week, and then I washed six new shirts for him.

Re-examined by the Solicitor-General—We were walking from six to nine o'clock on the Sunday night.

By Baron Martin—The prisoner had a pair of slippers. He took one slipper out with him on Saturday. This is the one he wore on his bad foot, the one he took out with him. The other slipper he left at Mrs. Repsch's.

George Blyth

GEORGE BLYTH, examined by Mr. GIFFARD—I am husband of the last witness. I walked out with the prisoner and my wife on the Sunday. We usually left home together to go to work between half-past seven and a quarter to eight. From the 7th to 14th July we did not go from home together in the morning. I left him at home every morning during that time. I went to town at my ordinary time. On Sunday, the 10th, we walked in the Victoria Park, which is two minutes' walk from my house. He returned with us, and I heard him go upstairs to bed. On the Monday evening he got home after I got home. It was between eight and nine. He and a man named Haffa came in together. I noticed that he had a new chain. I had not noticed whether he had been wearing a chain for some time previously. He had not one for two or three weeks. Before that two or three weeks I had seen him wearing a chain, but the chain I saw on the Monday was a different one.

Cross-examined by Mr. METCALFE—He ceased to go to work with me on the 7th, which was about the time he hurt his foot. A cart, he said, had run against it and hurt it. He used to wear a slipper up to the Sunday. He wore a slipper on Sunday morning. We walked all the time, I believe, in the Victoria Park on the Sunday evening. I do not remember sitting down, or whether he sat or not. His dress on Saturday and Sunday was the same. I don't know what he wore on the Monday. I did not see him much on Monday. I went out to my work. (Coat produced.) This is like the coat he wore on Saturday and Sunday. To the best of my belief it is the coat. I could not swear to it. He bore the character of being a very well-conducted young man in every respect. He was, I should say, of a kind and humane disposition. I never heard of his getting into rows or committing any assaults. He bade me good-bye on Thursday morning. He told me he was going by the "Victoria" from the London Docks to New York. I had known for a fortnight that he was going to New York. He had made it public to all his friends.

By a JUROR—I left him about half-past seven on Saturday morning and returned at seven in the evening. I did not

see Müller change his coat at any time on Saturday or Sunday. I did not see him at all between Saturday morning and Sunday morning. George Blyth

Mrs. Elizabeth Sarah Repsch, examined by the Solicitor-General—I am wife of Mr. William Repsch, a tailor, 12½ Jewry Street, Aldgate. I am an English woman born of German parents. My husband is a German. I have known the prisoner Müller for some time. He worked as a tailor with Mr. Hodgkinson up to the 2nd July. After that he was not in any employment. He used to come to our house from time to time after 2nd July. We were on friendly terms. He had a watch and chain of his own. I have seen them. I saw him wearing them last while working for Mr. Hodgkinson. He said he had pledged watch and chain separately. On Saturday, 9th July, Müller had not got them out of pledge. He came to our house on that day between twelve and one, or between eleven and one, and remained till half-past seven in the evening. He was at work there—I don't know whether for himself or a friend. He met with an accident on the Thursday previous, and wore a slipper on that day. I don't know whether he came in the slipper on the Saturday, but he wore a slipper during the day on the right foot—in fact, two slippers. He used to wear slippers when at work. I don't know whether he went away with a slipper on. I have here the slipper of the left foot, which I found after he was gone. The right slipper was gone. He had his boots—two boots—with him during the day. I can't say whether he had two boots at our house on Saturday. I don't know whether he came in them in the morning, or whether he had them on when he went away. I was out when he went away in the evening. But neither of the boots were left behind, so that he had taken away both boots and one slipper. When he came in on the Saturday morning he wore green and black trousers, but he changed them for an older pair of striped trousers to work in. He must have put on the newer trousers when he went away, because the working pair were left behind. I saw him next on the Monday morning between ten and eleven o'clock. He then had on a pair of light trousers, having left on Saturday in a pair of dark ones. Mrs. Repsch

Mrs. Repsch On the Monday morning he came in both boots. He showed me a chain on Monday morning. (Chain No. 2 handed to witness.) I believe this to be the same chain. He said he had bought it in the docks that morning, and had given £3 15s. for it. He had also a plain gold ring, with a white stone and a head engraved upon it, on his finger. He said he had paid 7s. 6d. for that at the same place that he had bought the chain. My husband saw him on Monday morning as well as myself. On that morning I observed that he had a new hat on which I had never seen before. I told him he was very extravagant in having another new hat. He said that his old one was smashed, and he had thrown it in the dusthole. My husband asked him how much he had given for it, and he said 14s. 6d. My husband said it looked more like a guinea hat. Nothing more passed about it. I had not seen that hat before. I had observed before what hat Müller wore. The hat he wore before was a plain black beaver hat, with merino rim inside and striped lining, broad brown stripes, and broad blue stripe edged with black and white. My attention was drawn to it by its lining being a peculiar lining. I had never seen a hat lined with such lining before. I have had the hat often in my hands. He was in the habit of putting letters inside the lining. I have seen him do so. I gave a description of the hat to the police before seeing it. (Hat produced.) To the best of my belief that is the hat. The merino and the lining are the same. As far as I can judge, it corresponds. He said that Mr. Matthews, the cabman, had made him a present of it. He must have told me that either in November or December of the previous year. I had never seen him wear any other hat than that. It was in a hatbox when he brought it to our house in November or December last. (Box produced.) That is the same description of hatbox. He brought them to show me, and then took them away. On Saturday, 9th July, to the best of my belief, he wore that hat. On Monday he had a new one. Müller had a single-breasted overcoat with a velvet collar. On Saturday he had a morning coat on. (Two pairs of trousers found in Müller's possession when arrested were here handed to the witness and identified.) One pair of these trousers he wore on Saturday, while at work; the other—the light pair—he came in on the

Monday morning to our house. Neither of them are the trousers that he left our house in on Saturday night. I have never seen that pair of trousers since. Mrs. Repsch

Cross-examined by Serjeant Parry—I did not see him leave our house on Saturday. I saw him last at half-past seven. I left him and Haffa at my house together when I went out. He had the slipper on the whole day on Saturday when I was there, but I am not able to say whether he left in the slipper or not. I produce a slipper which was left at my house on the Saturday. He must have taken the right slipper with him. I do not know of my own knowledge that he left in a slipper; only from what I have heard Haffa say. I understood that Müller had been lame in his right foot since the Thursday. The prisoner was rather fond of finery, and of showing the things that he had. I can't say whether he used to romance a little or not. He told us that he had told Mrs. Blyth that Mr. Hodgkinson was sending him to New York. Of course we knew better. He did not tell me that he had said he was to have £150 a year. My husband wears a hat, but I don't know the colour of the lining. I had Müller's hat constantly in my hand. If it was in my way, in my own place, I had a right to move it. That is how I account for knowing it so well. I saw it at the Police Court and at the inquest, and had it in my hand on both occasions. I knew Haffa for about a twelvemonth; he was in the habit of coming to our house, but not to work. He works for Mr. Hodgkinson. I had known Müller for nearly two years. Haffa used to come constantly to my place. He wore a hat, but I don't know what sort of lining it has, nor yet what sort of lining there is in any other man's hat who comes to see my husband. It was the peculiarity of the lining in Müller's hat that took my attention. I may have looked into it thirty or forty or fifty times. I can't say how often. I cannot say whether I looked into it each time I had it in my hands. I know Jonathan Matthews, the cabman. My husband knows him. I have known him about six years. I did not see him after the murder before he returned from New York. I had not seen him for three years. I think I have visited him twice. The prisoner bought a new pair of trousers about a month before the murder.

Mrs. Repsch Did you ever ask the prisoner to lend you 5s.?—No, sir. (After some hesitation)—Yes, I did.

Did he not tell you that he could not do so because he was going to buy a new hat?—That I can't say. I can't remember.

And did you not say, "Pooh, pooh! you may as well lend me the money; you can buy a hat next week"?—I don't think I did. I can't swear to that. I don't remember his making such an excuse, because he lent me the money. I did not say that just now because I was not asked. I repaid the money to him, and I believe that was the only time I ever borrowed money from him, but I cannot swear to it. My husband was not by when he gave me the 5s. He knew nothing about it. I have only seen Mrs. Matthews at the Court; I am quite sure of that. I don't expect to get any of the reward which is offered. I cannot say, with the exception of the trousers, whether Müller wore the same dress on the Monday as on the Saturday, or whether he had the velvet-collared or morning coat on.

Re-examined by the SOLICITOR-GENERAL—Müller had not the same hat on on the Monday that he wore on the Saturday. I don't remember the date when I asked him to lend me the 5s. It was repaid to him in the settling. To the best of my recollection, he said nothing about a hat when I borrowed the 5s. It was after he brought the hat and bandbox to our house that I borrowed the 5s. I have frequently lent him a trifle of money, and he has always paid me again. I don't remember the last time that I lent him money. I never saw a lining like that in Müller's hat until I saw his hat. I said, when he took it brand-new out of the bandbox, "What peculiar lining." I have seen him put letters behind the lining more than once.

Re-cross-examined by SERJEANT PARRY—Did you pledge a coat for Müller on the Wednesday before he left?—Yes.

Is that the coat which was identified by Mrs. Blyth?—That is the coat.

By the SOLICITOR-GENERAL—How came you to pawn a coat for Müller?—Because he said he had not sufficient money to pay his passage. He asked me to pawn it for him;

that was on Wednesday, the 13th, and I pawned it for 6s. at Mr. Annis's, 121 Minories. I gave the money to Müller the same day. He came in green and dark trousers on Saturday, and took them off while working, and put on another pair. I did not see him put them on before going away; but the old ones that he wore during the day were left behind, and those he came in in the morning were gone. Mrs. Repsch

Godfrey Ferdinand Repsch, examined by Serjeant Ballantine — I am husband of the last witness. I have been acquainted with the prisoner some time. He used to work at my shop. Müller came to my house on Saturday, 9th July. He had an old pair of trousers on when he was working. They were his working trousers. When he went away on Saturday evening those trousers were left behind. I knew of a pair of trousers he had with green spots—a new pair that he had a month or six weeks before. They were a green mixture. I may have seen them the week before he left England. I have never, to the best of my belief, seen them since the murder of Mr. Briggs; but I cannot say definitely whether I have or not. He came to my shop on the Monday, about ten o'clock, and said he had got a new hat, and he had a chain and ring which he said he had bought in the docks. He said he had bought the hat two months before, and had only worn it three times, on Sundays. He took the chain daily from his waistcoat pocket. The ring was not attached to the chain; it was on his finger. I said the hat was worth a guinea, because he said he had only given 14s. 6d. for it. G. F. Repsch

Cross-examined by Serjeant Parry—I had seen Müller wearing the dress before which he had on on Monday. My wife made the observation about the new hat. When asked before for the description of the trousers he wore on Saturday I said they were brown, grey, and all sorts of colours, that they were very old, and that they had brown stripes. I did not see Müller go out on Saturday night. He came between ten and eleven on Monday, I believe. He had not been there before that I know of. I was at home at eight o'clock. Huffa was not there then. I do not remember asking him to come early on Monday morning to fetch neckties for Haffa. That

G. F. Repsch

was on Tuesday morning, I am sure. I knew for some time that he was going to America, and gave him leave to work up his clothes at my place for that purpose. I went with him on board the "Victoria." Every one who knew him knew where he was going. I have known Jonathan Matthews, the cabman, about eight years. After the murder I saw him for the first time at the inquest at Hackney, after he had given information to the police. About two months before the murder Müller bought some new clothes. I never used to see Müller on Sundays. I never was at Mrs. Blyth's.

Re-examined by the SOLICITOR-GENERAL—I had seen him on weekdays. I had not noticed the hat before which he wore on the Monday morning. I should not have noticed it then if my wife had not made a remark with respect to it. (A pair of old trousers handed to the witness.) These are the working trousers which he wore on the Saturday, and which I described to the magistrate as being of all colours. I do not know whether he came in those trousers. I did not see him come in or go away. It is usual for tailors to change their trousers when they come into the room and put on slippers.

John Haffa

JOHN HAFFA, examined by Mr. HANNEN—I am a journeyman tailor and work at Messrs. Hodgkinson's. I have known the prisoner about six months. I remember the 9th of July. I was at Mr. Repsch's, and saw the prisoner between six and seven in the evening. I came and found him there. I do not remember if he was at work or not. He left before me; he left between seven and eight—nearly at eight o'clock. He said he was going to see his sweetheart. I had seen him working there before. I did not notice his clothes; it was too dark. I saw him again on Monday at Mr. Repsch's about two o'clock. I noticed a chain on him which I had not seen before. He said he had bought it. I do not know if he said where. He said he had given £3 15s. for it. I left him at Repsch's and went to my work. When I returned in the evening he was still there. We then left Repsch's together, and I went with him to his lodgings. I remained there that night. I

afterwards lent him 12s. Mr. Repsch told me Mr. Franz Müller had not sufficient money for his passage ticket; he wanted 12s. I gave Mr. Repsch a suit of my clothes to pawn to raise the money. That was on Wednesday. The prisoner gave me the duplicate of a chain pledged at a pawnbroker's named Annis. He told me Mr. Repsch had the ticket for a coat, which I could have for the money to pay the rent. I got the ticket from Mr. Repsch. I got the coat out of pawn the day before he came back to London from America, and sent it to Scotland Yard. John Haffa

Cross-examined by Serjeant Parry—He was working for me on one day only. I was well aware of his going to America. He made up his mind to do so a fortnight before he left. I knew that he was lame. I saw him in possession of money before the 9th of July, both gold and silver. I cannot say how much, but I believe it was enough to pay his passage. I have known him for six months. He bore the character and disposition of a humane, kind young man. I lodged with him for the last three nights before he left. I had not lodged with him longer, not for some weeks. He slept with me once or twice.

When he said he was going to see his sweetheart, did he say he was going to Camberwell?—No; I did not understand that. He said his sweetheart's name was Eldred. This is not the first time I have been asked these questions. When he went out from Repsch's on Saturday night it was about a quarter to eight or eight; he had a slipper on one foot. He was lame of one foot, and had been so for two or three days. He told me a letter-carrier's cart had run against his foot. (Slipper shown to witness.) That is the slipper. I recognise it again. It was a carpet slipper. I believe he had money enough to pay his passage a week before this murder. After that Monday I assisted him to make up the money for his passage. He did not tell me what had become of his money and I did not ask him. I only knew of his going to the docks several times from what he told me. He did not tell me that he had spent his money in purchasing a watch and chain in the docks. He said he had bought a chain for £3 15s. He might have said that he had been down to the docks on the

John Haffa Monday morning, but I do not remember. I only knew Death, the jeweller, after this case came on. I do not know anything about Müller having a gold chain repaired in November last. I did not know him at that time. In June I gave him a chain to get exchanged for another chain for myself, but he could not do it. He returned it to me. He did not tell me whether he had been anywhere to change it.

Re-examined by the SOLICITOR-GENERAL—This transaction about the chain might have been at the end of May or the beginning of June. But nothing came of it. I gave him the chain, but he brought it back to me. I saw him with some money a week before he left, but I did not count it.

By a JUROR—You say that you could not see Müller's clothes when he left Repsch's house on the Saturday between seven and eight o'clock, because it was too dark. It is not dark at that time in July, but quite light?—He left just before eight o'clock. In the lodging where I lived it was rather dark, because it is in a court. The prisoner did not sleep with me on the Saturday night.

George Death GEORGE DEATH, examined by SERJEANT BALLANTINE—I am a brother of the jeweller in Cheapside. I remember some one coming in on the morning of the 11th of July with a chain perfectly well. I believe the prisoner at the bar is the person. I had never, to my recollection, seen him before.

Cross-examined by SERJEANT PARRY—I have not the slightest recollection of having seen him before. I have not the slightest recollection of a person leaving a chain with me to be exchanged in June last. (Chain No. 3 handed to witness.) I am positive I have never seen this chain before. It is such a peculiar one that I should remember it if I had. This chain appears to have been mended; such a job we should send to a jobbing jeweller, and it would be put down to the credit of that jeweller.

Do you remember the dress of the prisoner?—His coat was dark, but I do not remember the particulars of his dress. My first impression was that his trousers were light, but I was not positive about it; it was a mere impression. We employ several jewellers. Our jobbing jeweller is Mr. Evans, of

Bartholomew Square, No. 14. We often send chains to be repaired to the chainmakers. George Death

Re-examined by SERJEANT BALLANTINE—Any work of the kind would pass through my hands or my brother's first. I am certain I never saw this chain before.

The Court adjourned at a quarter to five o'clock.

Second Day—Friday, 28th October, 1864.

The Court met at ten o'clock.

John H. Glass JOHN HENRY GLASS—I am in the employ of Mr. Hodgkinson, and have been for some time. I have known the prisoner about four years. I do not know exactly how long the prisoner was in Mr. Hodgkinson's employment. On Tuesday, 12th of July last, he came to me at Mr. Hodgkinson's shop about four o'clock in the afternoon. He offered me a gold watch. He said if I would not buy it he would not have money enough to go to America. He said he had a gold chain at a pawnbroker's, which he had pledged for £1. He did not say how much he wanted to sell the watch for. He said if he could pawn the watch and chain together he could get £4 10s. for them. The watch produced is the same. That was his own watch, which he had been in the habit of wearing. I told him to come again the next morning. He came the next morning about nine o'clock. We both went together to a pawnbroker's shop—Mr. Barker's. We both went into the shop and took a chain out of pawn (No. 3). We paid £1. We then went together to Mr. Cox's, Princes Street, Leicester Square, and there pawned the watch he had offered me the day before and the chain he had just redeemed. We got £4 on them. Müller took the money and I took the ticket. (The ticket produced.) This is it. It was in my name. I gave him 5s. for it. I gave the £1 for the chain. I paid £1 5s. altogether. We then went back together in an omnibus as far as the Bank, and when we got there we parted. He told me he was going to the London Docks to get a ticket to go to America.

Cross-examined—I have known the prisoner about four years. He has been in this country during that time. He is a native of Saxe-Weimar. I am a journeyman tailor. During the four years I have known him he has borne a kind and humane character. I have been in the habit of asso-

ciating with him, and have had full opportunities of judging his character for humanity and kindness. I don't know that he was in the habit of pawning and exchanging his watch. I did not see any money in his possession the week before the 9th of July. I don't know what wages he earned. I am a pieceworker. I can earn 30s. or 36s. a week. John H. Glass

HENRY SMITH—I am assistant to Mrs. Barker, a pawnbroker, 91 Houndsditch. On the 22nd of June I took in a gold albert chain of the prisoner, and advanced £1 on it. The chain produced is the same (Müller's chain No. 3). He had a new ticket on the 12th July, his ticket having got damaged, and it was redeemed on the 13th July. I think it was Müller who redeemed it, but I did not deliver it myself. Henry Smith

Cross-examined by SERJEANT PARRY—It was £1, not 30s., that was advanced.

ALFRED WEY—I was formerly assistant to Mrs. Barker. On the 13th June last I took in a watch from the prisoner. This is it. I advanced £2 upon it. It was redeemed on 12th July by Müller, I believe. Alfred Wey

CHARLES YOUNG—I am assistant to Mr. John Annis, pawnbroker, of 121 Minories. On the 12th July I took in a chain (the one produced) of a person who gave the name of Miller, Christian name "John," and the address 22 Jewry Street, Aldgate. I advanced £1 10s. on the chain. I afterwards handed it to the police. This is the chain (No. 2). C. Young

Cross-examined—It is very common to supply the Christian name for parties who come to pawn. "John" is the name we mainly patronise.

JONATHAN MATTHEWS, examined by the SOLICITOR-GENERAL—I think you are a cab-driver?—Yes. J. Matthews

Do you know Müller?—Yes.

How long had you known him before the day of the murder?—Two years and some few weeks. I would not say exactly.

J. Matthews How did you come to be acquainted with him?—He was working for a brother-in-law, and so, being a stranger in the country, came to dinner with him frequently.

And by that means you knew him?—Yes.

And from that period you have seen him from time to time?—Yes; twice or three times in a month.

He came to your house sometimes?—Yes.

Have you been to see him?—Yes, several times.

Do you remember anything passing between you and the prisoner on the subject of a hat towards the end of last year?—I do.

Can you tell me about what time?—About the latter end of November or the beginning of December. I could not say to a week.

Tell us about the hat?—I had a new hat, and he came to dine with me on the Sunday after I bought it. He saw my hat, and said that he would like to have one like it.

Did he look at it?—Yes; he put it on his head, and said that it was too small for him.

He looked at the hat, then?—Yes; he asked me what I gave for it, and I said 10s. 6d.

Ten and sixpence?—Yes; he said that he should like one like it, and I said that I would get him one if he wished it.

Yes, you said that you would get him one?—Yes.

He said that it was rather too small?—Yes.

Well, was anything said?—I put it on his head and said, "What is too easy for me will suit you."

And in consequence of that you got one?—Yes.

At what shop?—At the same.

What same, what shop?—At the hatter's.

Of course, but where?—Mr. Walker's, Crawford Street, Marylebone.

Can you remember the lining of that hat?—It appeared to resemble "striped" lining.

Now, did you get it soon after this occasion when he asked you?—I ordered it on the Friday, and said that I should want one, and on the Saturday evening I bought one. My wife was with me.

Did you take it away?—Yes.

In the hatbox?—Yes.

What did you do with it?—It remained at my house until the Sunday week following.

When Müller came for it?—Yes.

Was it the Sunday week following?—Yes.

Müller came for it and took it away?—Yes.

Did he take away the box as well?—Yes; the hat and box.

Did you pay for the hat?—Yes.

What?—10s. 6d.

Did Müller pay you again?—No.

Not at all?—No.

Did he settle with you in any way?—Yes; he made me a waistcoat—the one that I now wear.

That was in return for it?—Yes.

After that, did you see him wear the hat?—Yes, frequently.

Frequently?—Yes, frequently.

Very well; can you tell me about the latest time when you saw him wearing it?—About a fortnight before the murder.

About a fortnight before?—Yes; a fortnight beforehand.

Now, Matthews, can you give me a description of the hat—did you give a description of it to the police?—I did, sir.

Before you saw it?—Yes, I did.

Be good enough to look at it.

(Inspector Tanner here handed the hat which had been found in the railway carriage to the witness, who looked at it.)

Examination resumed—What is your belief as to the hat? Do you believe it to be the same?—Yes, I believe it to be the hat I purchased. It corresponds exactly.

By the crease?—Yes.

In what way was it creased?—I had it "turned up" a little extra on one side. I said that I should like it to be turned up a little more, and that was done while I waited there.

Like the one you had?—Yes.

Was the brim the way that it is now?—I noticed there was a little curl. I said to Müller, "Have you had it done up?" and he said that it wore uncommonly well.

He said that to you?—Yes.

There seems something on the brim wanting. There is no nap on the lower part?—Yes; there was merino on the lower

J. Matthews

part. The under part of the brim is merino, same as mine. (So the witness was understood, but he spoke in a very low tone.)

SERJEANT PARRY—Speak up, sir, do.

Examination resumed—You remember seeing a box in your house?—Yes, a small box.

And the name of Death on it?—Yes, I saw that.

(The box was handed to the witness)—Is that the same?—That is like the box that he gave to my little girl.

When did you first see it?—On the Tuesday morning—the Tuesday week following the murder. I noticed it, because I put my foot on it that morning.

I think that, from what you subsequently saw, you gave information to the police?—Yes, I did, sir. I saw a handbill.

SERJEANT PARRY—Allow me that hat, please. (The hat was handed to the learned Serjeant.)

Cross-examined by SERJEANT PARRY—Now, if I understand you, you identify this hat because the side portion of the rim is turned up?—Yes, and not only by that, but——

You are quite sure of that?—Yes.

That is one thing?—Yes.

You had this done in a shop?—Yes.

I believe that your own hat is like it?—As nearly as possible. I got this like it.

As nearly as possible like it?—Yes.

SERJEANT PARRY here asked for the depositions of Matthews before the coroner and magistrate.

The CLERK OF THE COURT produced the depositions.

SERJEANT PARRY—Now, sir, when you were before the magistrate did you not say that this was one of the means by which you identified the hat? Did you not say this?

The SOLICITOR-GENERAL—I think that the proper course would be to read the evidence to the witness, and then to ask any questions upon it. Read the depositions and ask——

SERJEANT PARRY—No; because that might baffle my very question. I apprehend that I have a right to take the depositions—at least, so I submit—and ask him, is that your

signature, and then ask him a question. I wish to have it from him, because my object is to discredit this witness. I do not want him to know beforehand what I am going to ask. J. Matthews

The Solicitor-General—I submit that the proper course is to read that portion of the depositions which is referred to, and then ask him any questions upon it.

Baron Martin—It is nothing more than asking the witness whether he did not give a different account then to now. That my brother Parry has a right to ask him.

The Solicitor-General—I think the deposition should be read first.

Serjeant Parry—He has sworn that, as one means of identifying it——

Baron Martin—Wait one moment. You must put in the depositions.

Serjeant Parry—Certainly. (*To Witness*)—I ask you, sir, did you not say before the magistrates, one of your means of identifying the hat was this, that three weeks prior to the 9th of July you saw the prisoner, and that the brim of his hat was turned up in one part of it more than in another, and you told the prisoner so?—I did so.

Did you ever mention before to-day that you had the two edges turned round yourself while you waited at the shop while it was being done?—No.

Did you not also, when before the coroner, say this—"I saw him (the prisoner) frequently wearing the hat, and I had noticed and remarked on its wearing so well. I fancied that one side was turned up more than usual, and pointed that out to him. I said it was altered in shape, and suggested that he might have done that from lifting it off his head on that side"? Did you say that before the coroner?—I did.

Now let me understand about this hat. Is it like your own hat? Can you tell me how many hats you bought?—I cannot.

Not throughout the whole of your life. I did not mean that; you should have waited and let me finish my question. Can you tell me how many hats you bought within six or twelve months of the 9th of July?—I cannot tell you.

J. Matthews What has become of your last hat at the time of this one?—I cannot say. I think I left it at a hatter's shop where I bought another.

Where did you buy the hat that you now wear?—In Oxford Street, at Mr. Mummery's.

Did you leave it there?—No, I did not.

Have you not stated that you left it at Mr. Downs' in Long Acre three weeks before the 9th of July?—I said that I left one there. I did not say the time I did so. I believe, at the same time, that I did not state the time.

Did you not say this—"I purchased the hat at Downs', Long Acre. I left my old one there, and that was about three weeks before I bought one in Oxford Street"?—that you purchased a hat in Long Acre, and left the old one there?—I did say so.

When did you buy the one in Oxford Street?—I bought it a few days before I went to America.

In Oxford Street?—Yes.

When did you buy the one at Downs'?—I cannot say which of the Downs' I bought it at, the one in the Strand or the one in Long Acre. I find I am in error about my hats altogether. I have had so many that I cannot remember.

Did you not say—"When I purchased the next it was about June, at Downs', in Long Acre. It was a cheap one. I gave 5s. 6d. for it, and I left the other one at Downs'"?—I did say so.

That is not true?—No, it was not it exactly. It was longer ago. I cannot remember exactly.

The Chief Baron—You said that you bought a hat a few days before you went to America. When was that?

Witness—I went from Liverpool with Mr. Inspector Tanner on the 20th of July.

Serjeant Parry—Here is a passage of your evidence before the coroner—"The next hat I purchased was about June, at Downs', in Long Acre. It was a cheap one. I gave 5s. 6d. for it. I left the other one at Downs'"?—I said so before the coroner, but that was a mistake of mine.

A mistake?—I did not know how many hats I had had until I got home.

J. Matthews

Have you not found out that three weeks before you were examined before the coroner there was no such shop as Downs' in Long Acre?—I made that inquiry.

And you found that there was not such a shop—that it had been shut up for some time?—Yes.

Have you not altered your statement in consequence of that?—When I came to examine my hats I was surprised to find that I had so many.

When before the magistrates did you not also say—"Three weeks before this job I bought a hat at Downs'"?—I did say so.

And you found out that it was a mistake of yours?—Yes, I have.

Did any one assist you in finding out that there was not such a shop as Downs'?—Yes; Mr. Clarke went with me.

Who is Mr. Clarke?—A detective officer.

You found out that?—I told Mr. Clarke at the time that there was a mistake.

Sir, where do you believe the hat is now which you had like this one?—I have no idea whatever.

Did you ever throw your old hats into the dusthole?—Yes; occasionally I do.

You said that before the coroner, did you not?—Yes.

I believe you were asked also whether you could swear to the colour of the lining of your hats, and you said no?—I cannot.

You cannot swear to your own hats?—No, not to all.

When did you first hear of this murder?—About Thursday or Friday in the week following.

That must be nearly eleven days?—No; it was in the week after, on the Friday night after Saturday, the 9th.

Do you mean to say that you had not heard of it before?—No, sir.

Had you been out with your cab?—Yes.

And did you not hear of the murder?—No.

Did you go to the cab-stand amongst your fellow-cabmen?—Yes, occasionally, when I wanted something to eat.

And you never heard of it?—No.

Did you go into a public-house?—I am not a public-house visitor. Perhaps I may go there sometimes.

J. Matthews There is no harm in going into a public-house to have a glass of ale. Did you go into a public-house for refreshment?—Yes.

Every day?—Yes, sir.

Do you take in a newspaper?—Sometimes I do.

Any particular newspaper?—No.

A Sunday paper?—Yes, *Lloyd's*.

Do you buy a daily paper?—Sometimes.

Did you not see a paper from the 9th until the 14th of July?—Not to bring the murder into my mind.

Did you not see it in large, conspicuous letters on the placards before the Thursday?—No.

Where do you live?—No. 68 Earl Street, East Paddington.

Do you attend the station?—Yes.

Do you pass the police station every day—did you from the 9th until the 14th?—I cannot answer.

And you never saw a placard or a notice in any way?—No; I saw placards, but did not read them.

You knew that Müller was going to America?—Yes.

(The examination was stopped for a moment for Mr. Baron Martin to look at the deposition.)

You knew that Müller was going to America, you say?—Yes.

When did you give information to the police?—On Monday, the 18th of July.

At that time did you know that Müller had gone out in the "Victoria" sailing ship to New York?—I did.

Did you know that he sailed on the 14th?—I knew that he was going to sail.

He called to wish you and your family good-bye?—Yes.

Now, can you tell me what you were doing on Saturday, the 9th of July?—I was out in my cab, I find.

Did you not say this before the coroner, "It is impossible for me to say where I was on the night of the 9th; I was about with my cab, and I cannot say where"?—I did say so. I have made inquiries since.

So, since you were before the coroner, you have been making inquiries with a view of giving evidence here?—I made inquiries to see whether I was out, as I had lost my pocket-book, but have found it since.

Did I not notice that you took a piece of paper out of your

pocket just now?—Yes, here it is. (The witness handed it in to the Serjeant.) J. Matthews

It is dated 29th September. It is written to you by your employer?—Yes, by my employer.

These inquiries were made by you since you were before the coroner?—Yes. (The paper was not read.)

I believe your master failed, or was "sold up," to use your own expression?—He sold off.

This is another mistake, then?—Yes.

Is it a mistake in the depositions?—Yes.

Were they not read over to you?—Yes.

Then why did you not correct it if it was "sold off" instead of "sold up"?—I did not hear it.

What day was it that your master, Mr. Perfitt, sold off?—I cannot say exactly.

When did you first see Repsch after you gave information to the police?—At Bow Street.

And you did not see him before you gave information to the police?—No; I am quite sure of that; not for years previous.

How long have you been a cabman?—I have been licensed for eight or nine years. I cannot say exactly.

Have you been anything else?—Yes.

What?—In a training stable.

When was that?—Twenty-two or twenty-three years ago.

Since then you have been a cabman?—Yes.

What, have you been a cabman ever since?—Sometimes I have been in business.

What business?—In a small fly business.

Any other business?—I was foreman to Mr. Hubble, of Camberwell, and foreman to Mr. Langley, of Westminster.

Anything else but the cab and fly business?—Yes; I have driven for the London and General Omnibus Company.

Anything else besides being a driver for the company?—Yes; I have taken in horses.

Have you never been a coachman to a private gentleman?—No.

Never?—Never.

Did you know a gentleman of the name of Linklater?—Yes.

Were you his coachman?—No.

Did you live with him?—No.

J. Matthews How did you know him?—I lived in the neighbourhood.

Have you been insolvent?—No.

Were you in business at Brixton?—Yes.

Did you fail there?—No.

That you swear?—Yes.

When were you at Brixton?—Two years ago.

Did you compound with your creditors?—No.

Why did you give it up?—I was not making a living out of it. I owed money, and I was not able to pay it.

Are you still in that position?—Yes.

Have you stated to your creditors that as soon as ever you got a portion of the reward you will settle with them?—No, sir.

You swear that?—Yes.

Never to any one of your creditors have you mentioned that?—No.

Of course you expect a portion of the reward?—I don't understand it.

You are the only person in the Court who does not, then. Do you expect a portion of the £300?—I leave that entirely to my country, if it thinks that I have done my duty.

Then you do expect a portion of the reward?—If they are only satisfied with my conduct.

If they are satisfied that you have done your duty, you do expect a portion of the reward?—If they think proper to give it.

What is passing in your mind about it, sir? If they are satisfied that you have done your duty, you do expect a portion of the reward?—I have no expectations of anything.

Do you mean to say that you did not see the bills offering the £300 reward?—Yes; but if it had been a "plain" bill I should have done my duty the same.

Do you expect a portion of the reward?—If I am entitled to it I should expect it.

Then you do expect it. Why did you not answer me before? Have you ever said this, that if you had kept your mouth closed a little while longer there would have been £500 instead of £300 reward?—I never said so.

Never anything like it?—No; I said that I was given to understand when I was before the coroner that there were bills offering £500. But if it had been a shilling I should have done my duty the same.

I do not ask you to compliment yourself. J. Matthews

By Baron Martin—I said, my lord, if it had been a shilling I should have done my duty the same as if it had been £300.

Cross-examination resumed—Were you ever in prison?—Yes, for absconding.

Absconding?—Yes, leaving my situation without giving due notice.

Absconding from a situation without giving notice! What absconding was that, then?—I was conductor of a coach.

Why should you abscond from a coach?—Well, sir, I was but a young man then. I made a little free—a spree. I got out on the spree.

A spree was it?—Yes; I went away and left the coach without any one.

And for that you were convicted?—I had twenty-one days because I could not pay.

Were you ever at Norwich?—Yes.

Were you there in November, 1851?—No, sir.

Now, be very careful. Your name is Jonathan Matthews, is it not?—Yes, sir.

When were you in Norwich?—I was there in 1850.

Not in 1851?—No.

You were there in 1850. Were you ever imprisoned there?—Yes, for twenty-one days.

Anything else?—No, sir.

You say that was for the freak?—Yes, for the spree.

And they convicted you for absconding. Who convicted you?—I cannot tell the gentleman's name.

Were you not tried before a jury?—Yes.

For a spree?—It was only a spree, but they brought it in that I stole the things—that it was a theft. It was only absconding, and not theft.

Did they not find things in your box?—They made it a theft, but it was not.

Were you not convicted for having feloniously stolen a posting boot, value 8s.; a spur, value 2s.; and a padlock, value 6d.? Was not that the conviction?—That was what they brought in, because they found them in the box, unbeknown to me. It was found on me after the box was taken away. I did not know they were there.

J. Matthews One other question. You said that the lining of your hat was the same as this?—Similar, I think.

The same, you said?—Similar, I believe.

Did you not say that the lining of both hats was the same, as nearly as possible?—I cannot say exactly.

Re-examined by the SOLICITOR-GENERAL—You were imprisoned for twenty-one days?—Yes.

How old were you?—About nineteen or twenty. I am thirty-seven or thirty-eight years of age now. I was born in 1829.

Have you ever been in any trouble of the kind since?—No.

Now, attend to me. You said that you gave information to the police on Monday, the 18th of July?—Yes.

Just explain how you came to give the information?—I was coming by the Great Western Hotel, and I took my horse to drink at the stand, and I saw the bill respecting the murder. I said to the waterman——

SERJEANT PARRY—Not what you said to the waterman.

WITNESS—I made some inquiries.

SERJEANT PARRY again objected.

By the SOLICITOR-GENERAL—You made some inquiries with reference to this matter. Was your attention drawn to a handbill?—It was on the wall.

You read it?—I did.

(The witness was proceeding to state some conversation he held with the waterman.)

SERJEANT PARRY—You said to the waterman——

The SOLICITOR-GENERAL—I object.

SERJEANT PARRY—I am quite proper——

The CHIEF BARON—If you have a part you must have the whole of the conversation.

SERJEANT PARRY—The witness was making some statement of his own, and I believe that the jury heard the observation. I understood him to say this—"I looked at the height on the bill, and I asked the waterman what height he thought I was." I understood him to say so.

The Solicitor-General—That being so, I think he must give us the whole account of what took place.

Serjeant Parry—That I object to.

The Solicitor-General—You cannot get a scrap. We must have the whole if we have the part.

Serjeant Parry—I have not got it out; it is your own witness. He dropped it. I did not get it. It is an incident.

The Solicitor-General—I understand you to object to anything he said to the waterman or the waterman to him.

Serjeant Parry—The witness gave it.

The Solicitor-General—You must have the whole. It is not fair that you should only have part.

Baron Martin—The Solicitor-General is quite right, if Brother Parry will insist upon having a portion.

Serjeant Parry—I did not insist upon anything. The witness said this.

The Chief Baron—You cannot ask the judge to take it down.

Serjeant Parry—I do not ask the judge to take it down.

The Solicitor-General—It is all very well to say that after the jury heard it.

Serjeant Parry—Ask the jury if they heard it.

The Chief Baron—We cannot ask the jury any such question at present.

Serjeant Parry—I did not put it before the jury, but the witness inadvertently stated it.

The Solicitor-General—It is only fair that the witness should state the whole.

Serjeant Parry—I can assure my learned friend that he is perfectly mistaken as regards the tenor of my cross-examination.

The Chief Baron—The witness has been under examination, cross-examination, and now re-examination. You certainly called attention, both to my Brother Martin and myself, to some thing that fell from the witness, and begged that we would take it down. If it is to be taken down, we must have the

J. Matthews

whole of the conversation. I think that the Solicitor-General is entitled to it.

SERJEANT PARRY—If your lordship so rules.

The CHIEF BARON—We cannot take part of the conversation.

The SOLICITOR-GENERAL—Tell us all that took place.

SERJEANT PARRY—Subject to my objection.

BARON MARTIN—I did not hear it.

The SOLICITOR-GENERAL—I did, my lord, and so did my learned friend. (*To the Witness*)—Tell us all you said to the waterman?—I asked the witness what height he was.

SERJEANT PARRY—Will your lordship take my objection to this?

The CHIEF BARON—I will take it down as part of the evidence if it is given in full; but I cannot take down anything that fell from the witness irregularly.

BARON MARTIN—The last I have got is—"I gave information to the police on Monday, the 18th."

The CHIEF BARON—I have got to this—"While the horse was standing and drinking I saw the bill and read it."

The SOLICITOR-GENERAL—The witness went on to speak of the waterman.

SERJEANT PARRY—I object to receive this evidence.

The CHIEF BARON—If you do there is an end of it.

Re-examination resumed—Tell us, generally, did you read the bill?—I did.

What did you do on reading it?—I took the waterman in my cab, and went directly and fetched a small box.

Look at the box. (It was handed to the witness, who looked at it.) Is it like the one you fetched?—Yes.

How came you to look at it?—By reading the bill I saw.

SERJEANT PARRY—There is nothing in the examination about the box. I shall claim to re-cross upon it as fresh evidence.

Re-examination resumed—Your attention was directed to the box?—Yes, my wife said that Müller came to the house and

gave the little girl the box. In consequence of some conversation with the waterman, I knew that Death was the jeweller. I took it to the waterman, and he said that it was very much like it. J. Matthews

What did you do then?—I took the waterman and went to Hermitage Police Station at Paddington.

And whom did you see there?—Sergeant Steers.

Did you give the box to him?—Yes; I took him to get a small piece of paper left at my house by Müller, with an address he had written on it.

Did you on that occasion give any description?

SERJEANT PARRY objected.

Re-examination resumed—Where is the piece of paper? (It was handed in.)

It has the name and address of Mrs. Blyth, with whom the prisoner lodged. You told me just now that you went to America?—Yes.

You were examined before the coroner soon after you came back?—I think it was on the following Tuesday, as I came back from New York on the previous Saturday.

On the Monday you went before the magistrate, and on the Tuesday before the coroner?—Yes.

You say that at that time you were cross-examined as to where you were on the day of the murder?—Yes.

Had you prepared yourself to answer the question?—No.

Did you recollect precisely where you were?—No; not till I got home and made inquiries of the waterman. I had some little idea myself.

You wrote to your employer, and got an answer?—Yes.

From subsequent inquiries that you made, and from communications which you have received, are you enabled to tell us where you were?—Yes; I was on the cab-stand from seven o'clock until eleven o'clock.

Where?—At the Great Western railway.

Where did you go then?—I did not get a fare, and then I went homewards. I bought a joint of meat and took it home. I went to the stable yard, and left the cab in Lisson Grove. I then went home.

With a leg of mutton?—Not a leg of mutton; it was an edgebone of beef. I took it home for my Sunday dinner.

J. Matthews

You were cross-examined respecting your hat?—Yes; a good deal, and I was not prepared to answer questions about my hats then.

You cabmen are exposed a good deal, and therefore wear out a good many hats?—I should think that I bought nine or ten hats in the year.

Subsequently did you make inquiries upon that subject?—Yes.

And what you have told us to-day is correct?—Yes.

With respect to Müller's hat, was one brim turned up more than another?—Yes.

Was that the fact?—Yes; more on one side than the other.

That is distinguishing from the statement that both brims were turned up by the hatter?—Yes.

And you say, in addition to that, that one brim was a little more turned up than another?—Yes; the right-hand brim as he stood from me a trifle more than the other.

Do you recollect whether you ever called Müller's attention to it?—I said, "I think you have had it turned up a little more; it looks so well."

The depositions of this witness which were taken before the coroner and the magistrate were then read.

Mrs. Matthews

Eliza Matthews, examined by Serjeant Ballantine—I am the wife of Jonathan Matthews. I know the prisoner Müller. I have known him rather more than two years. He has occasionally come to my house. I was present when my husband bought a hat—I think in November or December last year. He bought it at Walker's, in Crawford Street. It was turned up rather more than my husband's was. The hat produced (found in the carriage) looks like the same hat. The hat my husband bought he gave to Müller a fortnight after. I have a family of four children. On the 11th July the prisoner came to see me between two and three in the afternoon to wish me good-bye previous to going to New York. He remained with me three or four hours. He said he was going out for Mr. Hodgkinson. He said he was to get £150 a year, and that he had met with an accident on the Thursday. A letter-cart ran over his foot on London Bridge. During the time he was with me he showed me a chain. He took it

off the button-hole of his waistcoat. He put it in my hand. **Mrs. Matthews** I told him I thought it was not a very good one. It looked so pale, much lighter gold than his own watch and chain. I did not say that to him, but I thought it. The chain produced is similar (Mr. Death's chain). The green box produced he took out of his pocket and gave to my little girl, aged ten years. On the Monday week after, I recollect, my husband came home to fetch it. My little girl had been playing with it the same evening, and it was then put away in a drawer from the Tuesday evening. It was taken out of the drawer a week after. Müller showed me a ring—a plain gold one with a white cornelian head—which he said his father had sent him from Germany. When he left he said that he would call on the Tuesday or Wednesday to wish my husband good-bye, but he did not.

Cross-examined by SERJEANT PARRY—When he said that Messrs. Hodgkinson were going to give him £150 a year, did he not say that he should like to receive it half-yearly?—Yes.

As to this box, when did your husband first see it?—On the Tuesday morning; it was lying on the table.

Did you notice the name of Mr. Death?—No; I did not.

Did the prisoner say anything about Mr. Death?—Not a word.

You are quite certain?—Yes; quite certain of that.

Did you not remark that Mr. Death was a very good jeweller?—I remarked that Mr. Death was a good jeweller.

Did you know him?—No; I never saw him.

I suppose it was from the place where he lived—Cheapside?—Yes.

Very naturally. Did you notice that afternoon that Müller had dark trousers on?—Yes.

He was there three or four hours?—Yes.

As he was going away did you remark that his hat had worn very well?—Yes; as he took it off the drawers.

How well that hat had worn?—Yes; and he said, "It is a different hat."

I think that you heard of the murder on the Monday afternoon, the 11th of July?—Yes; from a lodger.

Did you hear that it was a shocking murder in a railway carriage?—Yes.

Mrs. Matthews

You have a penny paper that you read almost every day?—He (my husband) did, but I did not.

He was in the habit of having it?—Sometimes.

Sometimes he brought it home?—Yes; sometimes I took it out of his pocket.

Have you a weekly paper?—I always take one.

Had you one on the Sunday?—I might have had one, but I do not remember.

Re-examined—I made the observation about Mr. Death when Müller was showing me the chain. I had no conversation with my husband about the murder. He leaves home about nine in the morning, and sometimes I don't see him till one the next morning.

Mr. Repsch

Mr. REPSCH (recalled) said, in answer to a juror—I do not know what day in the week Müller brought the new hat in the hatbox. It might have been Sunday or Monday; I could not say which.

Mrs. Repsch

Mrs. REPSCH (recalled) said—I did not see Müller for three or four weeks on a Sunday. I did not generally see him on Sundays.

Mr. Repsch

(A question being raised by Serjeant Parry whether Mr. Repsch, in his evidence, had not stated that he was not in the habit of seeing Müller on Sundays, that witness was recalled, and, the question being put to him through the Chief Baron, he replied, "I did not see him on Sundays for three or four weeks," meaning prior to his leaving England.)

Joseph Hennaquart

JOSEPH HENNAQUART, examined by Mr. GIFFARD—I am foreman to Mr. Hodgkinson, tailor, in Threadneedle Street. The prisoner was in Mr. Hodgkinson's service for six weeks before the 9th of July. He was engaged at 25s. a week wages, and worked at those wages for nearly a month. I then made an alteration, setting him to work at piecework, because for very nearly two weeks he did not finish his work. He worked at piecework for two weeks. I then intended to put him back to 25s. a week; but he said he could make more

at piecework, and discharged himself a week before the murder, on the 2nd of July. He was not engaged to go to America in Mr. Hodgkinson's service. Joseph Hennaquart

Cross-examined by Mr. METCALFE—He was in our employment six weeks altogether.

Did he bear the character while he was with you of a quiet, inoffensive young man?—He had always been very polite to me.

He was not quarrelsome?—No; we had a few words before he left.

He thought he could do better at piecework than at 25s. a week?—He said so.

EDWARD WATSON, examined by Mr. HANNEN—I was foreman in the employ of Mr. Walker, a hatter, of 49 Crawford Street, Marylebone, for a period of four years. I have seen the hat in the hands of the police before (the one left in the carriage). It is one of Mr. Walker's manufacture. The lining in that hat was not what Mr. Walker usually used. It did not belong to any particular class of hats. I have not seen it used by any other hatter. Judging from the appearance of the hat, I should say that it was sold for 8s. 6d. We kept no record of hats sold over the counter unless they were sent home. E. Watson

Cross-examined by SERJEANT PARRY—Did you say the lining of that hat was peculiar to Mr. Walker's establishment?—It is a peculiar lining. I do not think Mr. Walker ever had more than three or four of that particular lining in the establishment. I believe Mr. Walker is here himself.

By the CHIEF BARON—Do you mean three or four hats, or three or four pieces of lining —We buy the lining already cut. This lining was one of a lot of sample linings which Mr. Walker bought, and I do not think there were more than three or four of this particular pattern. I do not know from whom he bought them.

THOMAS HENRY WALKER, examined by the SOLICITOR-GENERAL—I am a hatter in Marylebone. (Hat found in the railway carriage handed to witness.) This hat is one of mine; it was sold in my shop. The lining is peculiar, and I do not T. H. Walker

T. H. Walker think we had more than two of this kind of lining. This lining is one of about 500 sample linings, in which there were scarcely more than two alike. It is a French lining. The price of this hat was 8s. 6d. or 10s. 6d. I cannot tell which now.

W. H. Tiddy WILLIAM HENRY TIDDY, Inspector of Metropolitan Police, examined by SERJEANT BALLANTINE—I produce a box with Mr. Death's name upon it, a hatbox with Mr. Walker's name upon it, and also a slipper, the right slipper, all of which were handed over to me.

Cross-examined by SERJEANT PARRY—The slipper you received from Mrs. Blyth?—Yes; I received it from Mrs. Blyth. It is the slipper for the right foot.

James Gifford JAMES GIFFORD, examined by Mr. GIFFARD—I am an agent for Messrs. Grinnell, the shipowners. We have an office on the North Quay, London Docks, which we open at nine in the morning. I recognise the prisoner. I saw him first on Wednesday, the 13th July, about eleven o'clock in the morning. He spoke to me and asked the price of a passage to New York. I told him £4. He asked then when the ship sailed. I told him to-morrow, which would be Thursday, the 14th. He then went away, and came back about two o'clock in the afternoon. He said, "I am come to pay my fare." He paid £4, and I gave him a contract ticket. He then went away again. He came back, to the best of my belief, about half-past three o'clock, and came into the office with three parcels, and one, a larger one, done up in canvas. The larger one was about 18 inches long and 9 inches wide. I could not see the angles of any hard substance outside the canvas. I could not tell what was inside. He asked me to take charge of them. I said I could not, that he would have to leave them with the foreman of the docks, under the shed. He then took them with him out of the office. I did not see his trunk nor did I notice the size of his small parcels. The canvas on the outside of the larger one was such as I have seen inside the lining of packs. I saw him on board the "Victoria." The ship sailed on Friday morning at about 6.30, with the prisoner on board.

Mr. Hardinge Giffard.

James Gifford

Cross-examined by SERJEANT PARRY—The prisoner would have left his parcel with me if I would have taken charge of it. If I had taken charge of it, it would have remained in the office all night. So that if there had been anything suspicious in it I should have had plenty of opportunity of looking at it. I had no suspicion at all about it at the time. It is the custom for poor German emigrants to carry little packages with them—bacon, soap, and so on. The little packages might have been such packages. Besides myself, there is a German porter named Jacob Weist. He does not generally get to the docks before me, and if he did he could not get into the office till I open it. I open it when I reach the docks. My general time for getting there is nine o'clock, but the docks open in the summer at six a.m. Müller gave me his right name. The "Victoria" only took out four or five German passengers. I have not got a contract ticket with me. The ordinary form of such ticket gives the name of the vessel, tonnage, the date of sailing, and the passenger's name and age. The prisoner gave me his name, Franz Müller, and his age, twenty-four years.

Re-examined by Mr. GIFFARD—Weist would attend. I generally arrived at the office about nine o'clock. Sometimes I might be later. If in such case an application were made to Weist about a passage in the "Victoria" he would answer it himself, but he would keep the passenger till I came.

Jacob Weist

JACOB WEIST, examined by Mr. GIFFARD—I am in the employ of Messrs. White, provision merchants. I attend at the London Docks. I remember seeing the prisoner at the bar on several occasions. I cannot say exactly the first time, but it must have been some days previous to his paying his passage.

Cross-examined by SERJEANT PARRY—The prisoner paid his passage on Wednesday. I am not quite positive, but I have some idea of seeing him at the docks on the Monday. Germans come to me sometimes to ask questions. I am a German myself.

Re-examined by Mr. GIFFARD—I got to the office on the Monday about nine o'clock.

G. Clarke

GEORGE CLARKE, examined by Mr. BEASLEY—I am a sergeant of the detective police. On the 24th of August I went on board the "Victoria" in New York. Mr. Tiernan, an officer of the New York police, was in company with me. The prisoner was on board. He was called to the after part of the ship by the captain. I then seized him by the arm. He said, "What is the matter?" John Tiernan, the American police officer, replied, "You are charged with the murder of Mr. Briggs." I, finding that Tiernan did not recollect the particulars, followed up with, "Yes, on the North London railway, between Hackney Wick and Bow, on the 9th of July." The prisoner said, "I never was on that line." I do not know whether he said "that night," or whether he only said, "I never was on that line." I replied that I was a policeman from London, and that Mr. Tiernan was a policeman from New York. I then took him down to the saloon, and Mr. Tiernan searched him in my presence. He took a key from the prisoner's waistcoat pocket, which I produce. I took possession of the key and said, "What is this the key of?" He said, "The key of my box." I said, "Where is your box?" He replied, "In my berth." In consequence of what the captain told me, I went to No. 9 berth and found a large black box, which I brought into the saloon where the prisoner was standing. He said, "That is my box." I unlocked it with the key I had taken from his waistcoat pocket, and in the corner of the box I found this watch (producing it). It was then sewn up in a piece of leather, which I have. I said, "What is this?" knowing it by the feel to be a watch. He replied, "It is my watch." I then took out a hat which was standing in the box, and said, "Is this your hat?" He said, "Yes." This is the hat (taking up the one supposed to have belonged to Mr. Briggs). I said, "How long have you possessed them?" He said, "I have had the watch about two years and the hat about twelve months." I then told him he would have to remain in custody and be taken to New York. I kept him on board all night until Inspector Tanner came on board in the morning, when I gave him over to him.

Cross-examined by SERJEANT PARRY—The prisoner answered my questions about the watch and the hat readily, and without the slightest hesitation.

I think you have omitted an expression which Mr. Müller used when you described to him the name of the gentleman who was murdered, the railway, and the night. Did he not say, "I know nothing about it; I never was on the line"?—My impression is he said, "I never was on that line"; but whether he said "on that night" I do not remember. I believe he did not. G. Clarke

I am sure this is only an omission from your memory failing; but if you refer to your deposition, made when you were some weeks nearer in point of time to the actual conversation, you will see that you made that statement.

Witness referred to his deposition before Mr. Flowers at Bow Street, and said—I find here, my lord, that I said that "the prisoner remarked in reply, 'I know nothing about it. I never was on the line.'" I do not now remember whether he said "that night."

You don't now remember it, but it is very important. I need not remind you that this deposition was read over to you before you signed it?—Of course.

Of course a man in your position would be very careful in making such a deposition, and being made at that time it would be more likely to be correct than what you remember now?—If I used those words I am quite certain the prisoner said so.

You said also that you searched his box, and that there were no new shirts?—I find that is a mistake. I said they were not new because they were dirty; but I found after that deposition that they were shirts which had not been worn probably more than once or twice.

Inspector Tanner, examined by the Solicitor-General—I am an inspector of the detective police of London. I was employed in this matter by Sir Richard Mayne. I went to America, accompanied by Sergeant Clarke, by Mr. Death, and by Matthews. I found Müller on board the "Victoria." I left Mr. Death on deck, and went below and found Müller there. I placed Müller among eight other persons, and Mr. Death then came down and pointed him out. I then spoke to Müller with reference to a ring, saying, "Have you stated that you have lost a ring on board this ship?" He said, Inspector Tanner

Inspector Tanner

"Yes, I have." He then said he had not lost it; it must have been stolen from him. I said, "Tell me what sort of ring it is and I will endeavour to have it found." He said, "It is a gold ring with a stone in it." I asked whether it was a red stone. He replied, "No, a white stone." I said, "A gold ring with a plain white stone?" He said, "No, a gold ring with a white stone, which has got a head upon it. I got it in Cheapside, and gave 7s. 6d. for it." The ring was not found. I took possession of the effects of the prisoner. I showed them to him. He saw all that I had. He said that they were the whole of his property, with the exception of the ring. All his things were in the box. I found no other parcel except the things in the box. I told him that I should have to hold him as a prisoner, and he had better tell me what was his property before he left the ship. I have the box here. (Box produced. A trunk covered with black and ornamented with brass nails, similar to those generally in use by female servants.) I now put into the trunk all the articles found in it when Müller was arrested in New York. (The trousers worn by Müller, and found in the box, were the dark pair of working trousers and the light pair spoken of by Mr. Repsch.) No other trousers but these two pairs were found. There was very little other clothing. The other things were one or two shirts, some collars, a few of the implements of his trade, such as shears and measure, a few scarfs, a few brushes, and an umbrella. There were also a towel or two, a comb and brush, a pair of gloves, and a handkerchief. There was no coat in the box or waistcoat. The prisoner only had one coat, and that was the one he had on. No other parcel was discovered sewn up, such as has been described.

(The prisoner's shears were, at the request of one of the jurymen, handed into the jury-box, and examined.)

Cross-examined by Serjeant Parry—The prisoner answered the questions I put to him most readily. I heard before I saw him that his ring was lost. Sergeant Clarke reported it to me. I knew from Mr. Death what the ring was like. The prisoner said he did not take it out of his pocket, but believed it was stolen from

him, and he had a suspicion of the man who had stolen it. When I asked him whether it was a gold ring, with a plain white stone upon it, he at once said, "No; it has got a head upon it," and that he had bought it in Cheapside for 7s. 6d. I did not hear him say in New York that he had purchased the watch and chain on Monday morning at the docks. That was suggested by his counsel in Commissioner Newton's Court in New York. That was after he had seen his legal adviser. Some German gentleman assisted the prisoner in New York. I found 11s. upon him. He was so thoroughly searched that there could be no mistake as to the amount of the money he had. I did not ask him how he became possessed of that money, nor did he offer any explanation to me. I am quite sure of that. He did not say anything to me about having sold or exchanged any of his clothes during the voyage. I think he said something to Clarke about having exchanged a waistcoat, but not within my knowledge. Inspector Tanner

Serjeant Parry—Perhaps your lordships will allow Clarke to be recalled that I may ask him that question.

The bench assented.

George Clarke, recalled, and examined by Serjeant Parry—The prisoner told me that he had exchanged a waistcoat for a little leather reticule. He exchanged again, and got the waistcoat back again. That is the waistcoat which the prisoner is now wearing. G. Clarke

Re-examined by the Solicitor-General—The prisoner had a waistcoat on when he was first taken, but that is not the one I am speaking of. The one he wore when he was taken was a very old one. I learned from something I said to him about his clothes that he had exchanged a waistcoat for a reticule, so I got the waistcoat back, and he wore it home. I don't recollect that anything else passed between us with respect to his clothes.

Serjeant Parry asked Inspector Tanner whether the clothes that the prisoner had on had been taken off his back for the purpose of being analysed to see whether there was any blood upon them?—I believe they were closely examined, but, not to my knowledge, analysed.

T. J. Briggs THOMAS JAMES BRIGGS—I am the second son of the late Mr. Briggs. I saw him last on the Thursday before the 9th July. I next saw him at two o'clock on Sunday morning, the 10th July. I was sent for. He was then in a state of insensibility. I saw him at the Mitford Castle. His clothes had not been removed. He was covered with a blanket, and his clothes open at the neck. I have seen the watch. It is my father's. The chain is also his. He had not worn it many years. I have seen the watch and chain many times before my father had it. It was his brother-in-law's. I have seen him wear the chain and seal produced. My father bought his hats from Mr. Digance, of 18 Royal Exchange, for many years. The hat produced by Tanner I first saw at Bow Street. I did not at first recognise it as my father's hat, as it is much shorter. I have seen the black bag and stick found in the railway carriage. The stick is my father's, the bag is my youngest brother's.

Cross-examined—I did not know a person named Thomas Lee living in King Edward's Road before this transaction. I have known him since. He lived about two miles from where my father lived. I passed his house every day nearly. I know that Mr. Thomas Lee was examined before the coroner. I saw my father only a few days before his death.

S. Tidmarsh SAMUEL TIDMARSH—I am a watchmaker. I knew the late Mr. Briggs for seven or eight years. I had repaired a watch for him once or twice. It is the practice in the trade to enter the number of a watch we have to repair in our books. I have looked at the number of the watch produced. I know it is Mr. Briggs's watch. I have repaired it twice for him. I last repaired it for him on 6th February, 1863. Its value at the present time is about £10 or £12. I would give hardly so much for it in the trade—perhaps not more than £7. The original price was very likely about £25, or perhaps £30—it is an old-fashioned gold watch.

D. Digance DANIEL DIGANCE—I am a hatter at 18 Royal Exchange. Mr. Briggs has been a customer of mine for the last five-and-twenty or thirty years. I made him his hats to order. I made a

hat to order for Mr. Briggs in September, 1863. According to the description in the book the hat produced does not correspond. It is lower in the crown, but corresponds in the shape of the crown. It is what is called a bell-crowned hat. This hat is lower in the crown than the hat Mr. Briggs ordered. It has been cut down. Mr. Briggs always wore a bell-crowned hat. Mr. Briggs's hat was a little too easy on the head, and I placed a small piece of tissue paper round. That tissue paper is not here. There are some small fragments of it remaining in the band of the hat. The tissue paper would be inside the lining. I should say the hat had been cut down from 1 inch to 1½ inches. The bottom part of the leather has been cut off. The piece has been cut off, and it has been sewn together again, and the silk has been pasted on again. It has not been cut down as a hatter would do it. It is an operation I have never seen. A hatter would have used gum, and put it on a block, and pressed it down with a hot iron. This hat has certainly not been done in that way. It has been sewn, and the silk pasted down. The hat has been neatly sewn, and I should say it was done by a person who understood sewing. With the exception of the cutting down, the hat corresponds with the hat of Mr. Briggs. When a hat is made to order, the name of the customer is generally written on the band of the hat inside the lining. That is the part of the hat which has been taken away.

D. Digance

Cross-examined—I saw on the lining Francis Miller, 22 Jewry Street. It is a common thing to put tissue paper in a hat that is too large, sometimes leather. My trade in Cornhill is of a first-class, not second-hand. I know nothing of the second-hand trade in hats. My hats may get into the second-hand trade. Servants sell their masters' hats very frequently.

(Several old hats were here handed to the witness by Serjeant Parry.)

He said—They are my hats, but they are very old affairs. Mr. Briggs generally had one hat a year, and he used to have his hat lined very frequently. He was a very careful wearer.

Re-examined—The price of the hat that is cut down is one guinea. It has not the appearance of being very old. None of the hats shown me has been cut down.

D. Digance — By SERJEANT PARRY—I will not swear that the hat produced is the hat I made for Mr. Briggs. If the piece had not been cut off I could have told.

F. W. Thorn — FREDERICK WILLIAM THORN—I am a hat manufacturer, and make hats for Mr. Digance. The hat produced I recognise as my manufacture, and has my handwriting in it—two letters, "D. D." There is nothing in it to show when it was made. It is not as I made it; it has been cut down; a piece has been cut from the band of the hat, removed entirely. When I have a hat to order I put the name of the gentleman on the inside. From 1 inch to 1¼ has been cut away, and the name would be on that part of the band of the hat. Sometimes I have marked them higher up, two, three, or four years back. For the last two or three years I have marked them in the band—for my own convenience in the course of manufacture. I don't know whether I made this hat for Mr. Briggs, but I know I made it for Mr. Digance. If I had cut it down I should have used gum and an iron, and not have done it as this is done. The silk of this hat has been turned back for the purpose of sewing it together, and it has been fastened down again with paste, which we should never use; it has been sewn together neatly.

Cross-examined—I am not aware that my hats are sold in the second-hand trade. I put a different mark for other customers. I mark all the hats I make for Mr. Digance as this is marked.

Inspector Tanner — At the request of Serjeant Parry, Inspector TANNER was recalled, and was asked if the hat which Müller had with him, when he was apprehended in America, fitted him. Inspector Tanner replied that it did.

Mrs. Blyth — Mrs. BLYTH was also recalled at the request of the counsel for the defence, and was asked, through the Court, whether she knew the velvet coat or overcoat which had been spoken of by Repsch. She said she knew the coat well.

When did you last see it?—On Thursday, the 14th of July.

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That was the day of his leaving on board the "Victoria." Was he wearing it then?—I cannot say whether he was wearing it or had it on his arm. Mrs. Blyth

This closed the case for the prosecution.

EVIDENCE FOR THE DEFENCE.

Mr. Serjeant Parry—May it please your lordships and gentlemen of the jury, I am assisted in the performance of the very serious and responsible duty which has been placed upon me by the firm, thorough, and unshaken conviction that the young man at the bar will have from you a fair and impartial trial. I know, however, gentlemen, how difficult it will be for you to act with that self-control upon your judgment to prevent yourselves from being carried away by any feeling of prejudice. The Solicitor-General has already invited you, and probably his lordship in summing up the case will repeat that invitation, to discard from your minds all that you have heard, all that you have read, all that you have discussed about this case. Gentlemen, that will be a difficult task. I think in every newspaper in the kingdom this case has been discussed pro and con. Articles have been written in the public Press proving that this young man was guilty of this murder. Articles have been written in the public Press proving that he could not have been guilty of this murder. Gentlemen, it is not for me to criticise the action of the public Press. The writers in the Press have their law of action as we have at the bar; but it is, for the most part, unusual that when a man has been arrested upon a charge for which, if he is found guilty, his life must be sacrificed—I say it is, for the most part, unusual to take the course that has been taken, not by insignificant journals, but by the most respectable and most eminent papers of the country—the course of commenting upon the likelihood of the guilt or innocence of such a person. That has been done. What has been written has been read probably by every one of you gentlemen—certainly by almost every person capable of reading a newspaper in the country. What has been done cannot be undone; but an impression, more or Mr. Serjeant Parry

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less strong, must have been made on your minds, and not only the action of the Press, but also social discussions taking place between man and man on the subject of this young man's guilt —sometimes diverging into the hottest of arguments—cannot have failed to make an impression upon your minds. But, gentlemen, I am confident you will give this young man a fair and impartial trial, that when you retire to consider your verdict you will find it apart from everything but what has been brought before you here. I cannot disguise from myself that there is another terror and dread that I ought to feel in defending the prisoner. Gentlemen, the crime of which this young man is charged is almost unparalleled in this country. It is a crime which strikes at the lives of millions. It is a crime which affects the life of every man who travels upon the great iron ways of this country. A thrill of horror ran through the whole land when the fact of this crime was first published. Gentlemen, this is a crime of a character to arouse in the human breast an almost instinctive spirit of vengeance. It is a crime which demands a victim. Yet, still I have faith in your honour in this matter. I have faith that you will allow no spirit of vengeance, no vindictive feeling, to enter your minds, and if for a moment such a feeling should enter, that you will banish it away. Gentlemen, the law is, or ought to be, passionless; and I am sure that when you come to consider the course of this case you will be passionless also.

Gentlemen, the course I intend to take on behalf of this young man shall not be misunderstood by any human being. I know that there have been in my profession men far more eminent than I am ever likely to be, who have damaged themselves, who have damaged their client, and who have damaged the profession to which they belonged by solemn asseverations of the innocence of the man they were defending. Gentlemen, I will indulge in no such asseverations. Supposing I were solemnly to assure you that I believed this young man to be innocent, you would treat that observation, as it deserved to be treated, with perfect indifference. Supposing my learned friend the Solicitor-General had solemnly declared to you that he believed that young man at the bar to be guilty, you would have treated that assertion just as you would have treated my assertion of his innocence. No, gentle-

men, the true test of a man's guilt or innocence is the evidence brought before the jury at the time of his trial. I take it to be impertinence on the part of a counsel, I take it to be a perversion of professional duty, if he pledges his own word to that of which he can know nothing, except from the evidence before him. This I pledge myself to demonstrate to you from the points of evidence before, supplemented by the evidence which I shall lay before you, that you cannot, that you ought not, and I believe you will not, find this young man guilty. What should be the rule and canon of your conduct in trying to arrive at a right conclusion? It should be this—that the charge of murder brought against this young man should be brought home to him on the clearest and most unmistakable evidence; that you should be as surely satisfied of his guilt as though you with your physical eyes had seen him do the deed. The evidence ought to be complete. There ought to be no omission, no discrepancy, no uncertainty in the evidence which is to bring home such a charge against him. My learned friend the Solicitor-General has said, as regards circumstantial evidence, that if it were not the rule of the Courts and the practice of juries to act upon such evidence, crime would be committed with impunity. Gentlemen, I entirely concur in that observation. I believe myself that circumstantial evidence, if not of the highest character, is of nearly the highest character of evidence; but only this when there is no link wanting in the chain. But if there be a doubt on the evidence laid before the jury, or anything that might cast a doubt on the evidence given, then the chain of evidence is incomplete, and the jury ought not, and cannot, act upon it.

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The prosecution relied mainly upon three pieces of evidence. They relied, first, upon the hat found in the railway carriage; next, upon the hat found in the prisoner's box; and lastly, on the watch and chain also found with the prisoner. The Solicitor-General said distinctly that that was the evidence upon which he relied for a conviction. Now, gentlemen, I will show that that evidence is not to be relied upon. First, as regards the hat found in the railway carriage. The witnesses all proved, or, rather, sought to prove, that the hat belonged to this young man, Müller; but only two—Mrs. Repsch and Jonathan Matthews, the cabman—have spoken at

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all decidedly upon that point. Now, gentlemen, you will be good enough to bear in mind that there is a vast difference between whether Müller ever had a hat like that found in the carriage and whether that hat really belonged to him. This difference is as great as the difference between something and nothing, which is said to be infinite. If the hat belonged to him, the Solicitor-General says that is conclusive evidence of his guilt. The hat, he says, was found on the scene of the murder, and must have been left in the railway carriage by the murderer. That is the theory of my learned friend the Solicitor-General. But, gentlemen, he went on commenting on the evidence, and I must caution you most strongly as to mingling and mixing up the two questions as to whether Müller ever had a hat like that, and this being Müller's hat in the railway carriage. Now, Mrs. Repsch's evidence was very remarkable. She could not tell the lining of her husband's hat, of Haffa's hat, or of any one else's hat which she was in the habit of seeing. She did not seem to have been meddling or muddling herself with their hats, but some thirty or forty times she had looked into the hat of this young man, Müller, and she was positive that this hat was his. But if there were another hat similar to the hat Müller may have had, why, then, gentlemen, what she has stated ceases to be important. Gentlemen, I watched that woman while giving her evidence. I think she gave it with vehemence. All that she says, however, is that the hat Müller brought to her in November last was like the hat found in the railway carriage.

I now come to a much more important part of the evidence, and that which bears the strongest against the prisoner at the bar; I mean that of the person who first gave information to the police, and who has played a most conspicuous part in the inquiry—Jonathan Matthews, the cabman. Now, gentlemen, an observation dropped from my learned friend the Solicitor-General which did me a great injustice. My learned friend said he saw, by the tenor of the questions I was putting, that virtually, if not actually, I was going to accuse Jonathan Matthews of this murder. Gentlemen, through the whole time I have been most anxiously engaged in this case, examining it from the beginning to the end, sifting the most trifling circumstances connected with it, such a thing has never for a moment

entered into my mind. Gentlemen, I should be indescribably foolish and wicked if I were to make such a statement. Except the actual perpetrator of the crime, none but the Omniscient—"He to whom all hearts are open, and from whom no secrets are hid"—knows who did it. How dare I, then, as the advocate of the young man at the bar—how dare I, with my finite and limited intelligence, affirm that which the Almighty alone knows? If I were to affirm that Jonathan Matthews has been guilty of this murder, or a participator in this murder, I should be a disgrace to the profession. There was no such suggestion in my thoughts. But this I say, he is a man whose evidence is entirely unreliable. He is a man who gives his evidence in such an unsatisfactory manner that no body of sensible men would for a moment pay any attention to it. And, gentlemen, I say this of him, that he is evidently actuated by a desire to obtain the reward that has been offered for the conviction of the murderer of Mr. Briggs. That has animated his whole conduct. I should be very sorry to charge him with being a party to the murder, but I should be very wicked if I were not to say that suspicion is pointing to him. Matthews could not say where he was on the night of the murder, but now he recollects that he was at the Great Western station from seven to eleven o'clock that night. In that he is perfectly uncorroborated. There is, however, very little doubt that he gave Müller the hat in exchange for the waistcoat, in November, 1863. Now, Matthews was examined very shortly indeed by the Solicitor-General, and he said this was the hat, he believed, of Müller, and he remembered it by the edges of the rims being turned up to resemble the one he had. That is his evidence-in-chief. Now, in cross-examination, I found that he never said that before. He said he took it to the shop to be done, and that that, as nearly as he remembered, was the hat he gave to Müller. You will remember he made a statement on his examination at the inquest about a hat he had purchased about three weeks before of Mr. Downs, in Long Acre. Since then he has discovered that there was no hatter of the name of Mr. Downs there at that time. It is, then, very important to know where is the hat which exactly resembled Müller's. We had Mr. Walker and his foreman here. Mr. Walker and his foreman both say that there might have been

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three or four hats with this kind of lining in them, or there might be only one; but I think two, or three, or four is all that Mr. Walker had of these hats. It is very remarkable, therefore, that although there were only two or three hats of this kind, Matthews should have purchased one for Müller so exactly like his own, as he said before the coroner that he did. Why could not this be Matthews' hat? Gentlemen, I say you must not assume this is Müller's hat. You must not take it, from the mode in which Matthews was examined by the Solicitor-General, that this is the hat of Müller. I apprehend you cannot be sure of anything of the kind. There was another hat resembling Müller's, and resembling it in every possible respect. Where is that hat? We have made inquiries, gentlemen. Inquiries have been made by Mr. Beard, the highly respectable and very able gentleman who is instructing me in this case, but his inquiries have been baffled by the falsehood of Matthews, who tells an untruth both before the magistrates and before the coroner. He never corrects that untruth until now, when he knows we have witnesses to show that Mr. Downs had ceased to carry on business in Long Acre before the time he said he disposed of the hat to him. Then he changes his tune, and says he does not know where it is. I do not know whether you remember a remarkable expression of Mrs. Repsch's to me when she said that Müller said his hat been thrown into the dusthole. Is it not a remarkable coincidence that Matthews, too, has said that some of his hats were thrown into the dusthole? I should think that is the last place where a man would throw his hat. Is Mr. Matthews trustworthy in other respects? Do you believe that he never heard of the murder before Thursday? Do you believe that he had been on his cab all through the streets and had not heard of this murder before? I do not believe it. Why, murders, robberies, and police cases of all kinds are the literature of cabmen. They read scarcely anything else. Matthews says he had never heard of this before, but I put it to you, is that story a likely or probable one? His wife knew on Monday, the Repsches knew on Monday, and it seems almost impossible for me to believe that Matthews is telling you the truth when he says that he knew nothing whatever about this before Thursday. Gentlemen, there was another circumstance

in the evidence which he gave which I think ought to induce you to disbelieve him. He had been convicted of a trumpery theft about thirteen years ago. Now, gentlemen, I assure you I was most reluctant to touch upon that, because a theft of this kind committed by a young man so long ago would not go far to impugn his character for honesty. But, gentlemen, he told a deliberate falsehood, and then I was determined you should see he was a man who did not habitually adhere to the truth. The Solicitor-General says, where is Müller's hat? Well, where is Matthews' hat? He cannot produce it. He is in the same circumstances as Müller in not being able to produce his hat. I know that Mr. Repsch says that Müller told him that his other hat was smashed, and that he had thrown it into the dusthole. Now, gentlemen, I think I shall satisfy your minds that there is no unmistakable proof that this hat ever belonged to the young man at the bar. Mr. Tanner—of whom it is right to say he has performed his painful duty towards this young man with the greatest delicacy he could—Mr. Tanner has simply performed his duty as we perform ours here. These duties are cast upon him just as duties are cast upon us here. And I am sure Mr. Tanner now is no more desirous for the conviction of this young man than I am. I think it is only right to pay this tribute to his character. There is, I say, a suspicion that this hat belonged to the prisoner at the bar; but, gentlemen, the charge must be brought home, the charge must be proved, even strong suspicion must be cast aside, and if you consider that in this case there is only strong suspicion against the prisoner, he will be entitled to have the benefit of the doubt. Mr. Serjeant Parry

Now, let me come to the hat of Mr. Briggs. This hat has been cut down and sewed, as you have all seen. This young man has given different accounts of the time he has had this hat. In answer to Repsch, he said he had had it two months, and it appears that, in answer to Sergeant Clarke, he said he had had it twelve months. Now, gentlemen, I regret that the prisoner has in the course of this case made many statements that are not consistent with the truth. It is quite evident that he is a vain and boastful man, and there is no doubt whatever that he was in the habit of making statements with reference to his own property which

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were not actually true. He had said that Mr. Hodgkinson was going to send him out to America as an agent at £150 a year; and in the same way he may not have chosen to tell the truth to Mrs. Repsch about that watch and chain. At New York he might have felt there was something wrong about the watch, chain, and hat, and he may have made the statement he made there in order to redeem himself from the difficulty into which he had got. Will you then go so far as to say that if these statements were not reliable, he is guilty of this murder? There is no dout that fear came upon him when he was arrested in New York, but you will find, when you come to examine the evidence, that the statement he made with regard to the hat has not been disproved. But if it were not so, I do not believe for one moment that you would on that account find him guilty of murder. The hat is cut down; but I shall bring you witnesses to show that in the second-hand trade it is not unusual to cut down hats like this. Mr. Digance will not swear that he sold this hat to Mr. Briggs, and, if Mr. Digance will not swear to it, will you by your verdict undertake to swear to it? I will go further and say, did this hat ever belong to Mr. Briggs? This hat got into the second-hand market. There is a bit of tissue paper left, and it is actually suggested that this little bit of tissue paper is sufficient to prove the identity. Such a proposition passes my comprehension, and I ask you not to act upon it. It is a strange thing that some one was not called from Mr. Briggs's house to show what hat he had on that morning. Is not that a great omission on the part of the prosecution? He must have a household. Why are not some of the servants brought here to tell you what hat he had on that night? These are serious omissions, tending to show that there is no proof and that there is no evidence on which you can rely that Mr. Briggs wore this hat at the time of the murder. It is easy to say that the name of Mr. Briggs was in the hat, and that it had been cut down to obliterate that name. Well, Müller writes his name there, and writes his address also, 22 Old Jewry Street. That he must have done before he left England; and from that we may infer that he had the hat some time before he went to America. As regards the lining, many gentlemen change that once a month or so; and it was shown that Mr.

Briggs, too, was frequently getting his hat lined afresh. Gentlemen, I would warn you against assuming as a matter of course that, when a witness proves what he was called to prove, the object the prosecution had in view is gained, and that the purpose for which he is called is accomplished. Mr. Serjeant Parry

Now, there is no proof whatever that this hat which is brought forward to prove the identity of the prisoner at the bar was ever worn by Mr. Briggs. When was the hat cut down? Surely, if it had been done on the voyage, there would be somebody here to tell us. Surely, if it had been done on the Sunday, Mrs. Blyth would have known of it. When was it done? When is it suggested that it was done? Here is the name of the prisoner. Was it put there by Müller? Was it put there when he was at sea in order to deceive? Or was it put there by Müller when he said he bought the hat, two months before, and said he gave 4s. 6d. for it? You will remember that Mrs. Repsch said that two months before the murder she asked Müller to lend her 5s., and he said he could not do so because he was going to buy a hat. The foreman of you asked whether Mrs. Repsch saw him on the Sunday, or was in the habit of seeing him on Sunday. Mrs. Repsch did not see him on the Sunday, and therefore it is clear that, whatever hat Müller wore on the Sunday, Mrs. Repsch would not see it. There is no evidence that Müller did not take this hat with him on board the "Victoria" and sell it to some person there, because you will remember that this man was always chopping and changing his mind, and was continually exchanging or selling his property.

Now, as regards the watch and chain, Müller has to encounter the difficulty of having made different representations about them. There is no doubt whatever that, if Müller purchased the watch and chain, which are not of the enormous value my learned friend said they were, but were valued by the jeweller at £7, he must have purchased them under most suspicious circumstances. That, gentlemen, is a matter which should be strongly borne in mind before you. I believe this case to be a great mystery, but I know there have been many mysteries in this world that the human intellect has not been able to penetrate. If he purchased this watch at the docks, as it is alleged by his counsel that he did, there can be no doubt what-

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ever that he would get them at an inferior price, and he must have known that he was doing a suspicious act. But it does not follow that he knew anything of the murder. If he purchased those articles at the docks, either the murderer or the agent of the murderer must have sold them; and where was he so likely to have taken them as down to the docks, where he might expect to find purchasers who would soon leave the country with them? Müller said he had had the watch for two years. There can be no doubt that is untrue; but, gentlemen, if you consider for a moment, you will see that the prisoner at the bar, perfectly irrespective of the murder, had some reason to believe that, in buying the watch and chain, he was doing something that would bring him into trouble, and then the observations that had been made about his having told untruths about them are easily to be accounted for. He told Mrs. Repsch that he had bought Mr. Death's chain at the docks. That was not true; but still, if he made the purchase in the docks that morning, the falsehood was not so great as it would have been if he had made no purchase at all. There is one very curious quality which this young man possessed. He was always either buying waistcoats or hats, making trousers, or pledging trousers, or pawning watches. He was always getting these things, and he was a young man who might easily be tempted into making purchases of this description. Had he any money? I do not intend to go through the various means he adopted after Monday of raising money by pledging the watch and chain. It is a curious circumstance that he had pledged his own watch and chain, and he appears to have pledged a coat. There is no doubt that he was then raising money to pay his passage on Wednesday.

But, gentlemen, it has been proved before you that Haffa saw him in possession of sufficient money to pay his passage a week before the 19th of July. Then what has become of that money? Gentlemen, it has gone somewhere, because only 11s. is found upon him. The prisoner had the means, therefore, of purchasing this watch and chain, for it would be idle to suppose that, in disposing of these articles at the docks, the seller would get more than one-half of their value. Now, Müller was at the docks on Monday morning. My learned friend has called Gifford, the clerk, to show that the prisoner

came there on the Wednesday morning, and he was there. He calls another young man, a German of the name of Jacob Weist, who says he saw Müller there two or three days before he took his passage, and he believes he saw him on the Monday morning at the docks. Now, that is remarkable evidence, for, of course, it was supposed that Müller had never been at the docks before Wednesday. What is more likely than that he should go down to the docks before making the necessary inquiry as to the amount of the passage? You will remember that on the Monday morning he left Mr. Death's at eight o'clock. That would give him two whole hours, and I cannot but think that the evidence presented as to the exchanging of the chain at Death's will bear a different interpretation to what the prosecution has put upon it. Suppose he had bought this watch and chain at the docks that morning, suppose he knew that, for that small sum of money he knew he had, he could get a gold watch and chain, he would have some suspicion that the chain was not a good one or the watch not a good one, and therefore, in order to remove that suspicion or confirm it, he takes the chain to Mr. Death, the jeweller, to ascertain whether it is gold that he has got. By exchanging the chain at Mr. Death's he laid himself open to suspicion the same as if he had pawned it. I believe he said to Mr. Tanner, "I bought it in Cheapside, and gave 7s. 6d. for it," which is almost the truth. He mentioned that he had been in Cheapside, where Mr. Death lived. He never denied having been at Mr. Death's, and I think I am free to say that his visit there is open to the interpretation I have put upon it. I leave it, however, entirely to your judgment.

Mr. Serjeant Parry

Now, gentlemen, what I have submitted to you must leave an impression short of anything like conclusiveness as to the guilt of the young man at the bar. If the two hats have not been satisfactorily shown to you to be one belonging to Müller and the other to Mr. Briggs, and if, as regards the watch and chain, his conduct has been what I suggest, then I say that, as respects the possession of this property, the facts are fairly open to the interpretation which I have put upon them.

Now, gentlemen, there is a portion of the evidence which is produced by the Crown in which the prosecution has attempted, and I think I shall prove they have completely failed, to show

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the guilt of the prisoner. In the first place, they have said he had a pair of dark trousers on the Saturday and a pair of light trousers on the Monday. Where, they ask, are the dark trousers? The insinuation is that the dark trousers may have been covered with blood, and that therefore the light trousers were worn on Monday. This is an inference that would not be drawn, I think, except in the mind of one who was determined to find something wrong in everything. There would not otherwise appear to be anything wrong in wearing a dark pair on Saturday and a light pair on Monday. The prosecution felt their case was weak, and they found it necessary to take hold of anything they could grasp. But what had become of the dark trousers? Why, he had them on on the Monday. Mrs. Blyth, a thoroughly honest woman, who did not come here to mislead you or to press unduly against the prisoner, said she would not pledge herself to say whether he had on light or dark trousers on the Monday. That is the index of a thoroughly conscientious mind. She evidently had been friendly with the prisoner. She evidently, if her own wishes were to be consulted, did not wish him to be convicted. Mr. and Mrs. Repsch said he had light trousers on. What does Matthews say? "He had dark trousers on on Monday when I saw him." Mrs. Repsch is asked if the prisoner had an overcoat with a velvet collar, and she said he had. She was not asked whether it was a very hot season of the year, but simply had he a coat with a velvet collar. Well, yes, he had; but that proves nothing at all. Mrs. Repsch would not swear that he had not dark trousers on; but Mrs. Blyth, the conscientious woman, was recalled at the last moment, and states that she saw him with a coat on with a velvet collar on the Thursday, on the 14th of July, after the murder. If he took the coat to the "Victoria" when he started for America, and if he had the dark trousers on on the Monday, what right has the Solicitor-General to ask where they are now? He has now no more right to ask it than the greatest stranger. It is a superfluous question coming from the prosecution altogether. The prosecution has nothing at all to do with it. I must confess I never saw any evidence that has so completely crumbled away as the evidence that has been given with respect to the trousers and the coat. He might have sold them on board the vessel, for

it appears that he was in want of money; but, whether he sold them or not, the prosecution has nothing to do with it. My learned friend Mr. Giffard made a most ingenious suggestion. He asked the clerk whether he had any parcels with him, and he replied that he had three—two small ones and one canvas one, 18 inches long, and my friend said, "Did there appear to be anything sharp or pointed?" He asked him if there appeared to be anything heavy, with rough edges. He said he did not take any notice of that. Is this evidence against the prisoner? Does it not rather appear as if their case was not strong enough when they want to force on the jury a question like this? We understand well what it was. It was intended to imply that the parcel 18 inches long contained garments stained with blood, and that the prisoner intended to sink it when he got to sea. That is the suggestion made, and I say it cannot be relied on in a case of murder. I am sure you will reject that evidence, as it does not tell in the slightest degree against Müller, but is rather in his favour. Mr. Serjeant Parry

I have already commented on the false statements this young man is alleged to have made. I have offered to you what I believe to be not an unreasonable explanation of all those false statements, and I ask you to bear in mind the plain, straightforward conduct of the prisoner throughout. Excepting those false statements, there does not appear as regards his conduct anything whatever that is wrong. I notice that he has been spoken of as a fugitive from justice. Now, that is utterly untrue; he did not fly from justice. For two months previously he had expressed his intention of going to America. That was not concealed from any one; he had told it to his friends, and they all knew it. So far as the pledges are concerned, he appears to have pledged in his own name, except when Mr. Glass's shopmate was with him, and then he pledged in his name, as he was justified in doing. There is no disguise there. Then he goes to the docks and takes a passage in his own name. He is supposed to have committed a heinous murder on the previous Saturday. Now, do you not believe that a man who had committed such a crime would, at all events, go to America in a false name? Because a man who commits a crime like this must be a great criminal. If he had done this deed, how he could have taken a passage in his own

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name passes my comprehension. I cannot understand it. Then, when he sails, his first act is to write a letter to his friends, which you have heard read, which, I think, is not the letter of a guilty man. His conduct on his arrival in America is not opposed to the statements he has made. He is there suddenly arrested. He is seized suddenly, and, I suppose, almost dragged out of the room by Sergeant Clarke. He is told all the circumstances of the murder of Mr. Briggs, and he says, "I know nothing about it; I was never on the line." I think I will show you that he was in the habit of travelling by omnibus generally, and that he never was on that line. As far as the evidence goes, that is uncontradicted by any one. He answers the questions that were put to him in the politest manner, and it is remarkable that, in reply to Mr. Tanner, he said he had a ring, but it had been stolen from him. When asked, "Was it a red stone?" he said, "No, it was a white stone, and I bought it in Cheapside for 7s. 6d." Now, he had bought it for 5s., which was not far removed from the value he stated.

Now, gentlemen, there is one part of this most anxious inquiry of which I must speak as one earnest man may speak to other earnest men when they are discussing a matter of the gravest kind. I say there is one part of this case which I almost defy any one to reconcile with the prisoner's guilt. Mr. Briggs appears to have been a man of about 12-stone weight, and about 5 feet 8 or 9 inches high. He was in robust and vigorous health, according to his medical man. The young man at the bar, compared with Mr. Briggs, is a mere stripling. The distance between the Bow station and the Hackney Wick station is 1 mile 414 yards. The body of Mr. Briggs is found upon the 6-foot way between the lines, 700 yards from Hackney Wick station. Now, it takes three minutes for an engine to go from Bow to Hackney Wick station. Therefore, when the murder had been consummated, and the body thrown out, there was only about two minutes, or a minute and a half. Do you believe that a slight and by no means muscular young man could have committed that murder in that time? I think no less than eight blows were inflicted, and some of them must have caused death. After eight heavy blows had been inflicted on Mr. Briggs, his body must have been dragged along across

the carriage, the door must have been opened, and the body thrown out, and all this while the train was in rapid motion. Now, you can see for yourselves that I am not describing this wrongly when I say that the prisoner is a young man possessed of no great amount of physical force. His physique is slight in the extreme. It is proved that Mr. Briggs was perfectly sober, and it is said that he was sleeping. Mr. Serjeant Parry

Now, gentlemen, you have to say whether you can form an opinion as to whether that struggle, which ended in the death of a powerful, sober man, could have been sustained by the young man at the bar. If you believe in your own minds and consciences that this young man, with the physique that he has, and which you yourselves can see, could not have murdered Mr. Briggs, then you will acquit him. Gentlemen, such an impression, if on your minds, will outweigh all the circumstantial evidence in the world. Is it not likely that this was a premeditated murder, committed by men well accustomed to traffic in robbery, and, if necessary, to secure themselves by murder? I can imagine that two such men might have committed this deed, and I will prove to you that there were two men in the carriage with Mr. Briggs. I would imagine that two such men had followed Mr. Briggs, seeing him in the omnibus or in King William Street, when he alighted from the omnibus and went to the North London railway. They had followed him, seeing his watch and chain and the black bag, which they thought might contain money, and seeing also that he was a man likely to have other property about him. I should have thought that men of that character would have committed this crime. And, gentlemen, what is the young man at the bar? He is a journeyman tailor, following the most peaceful of peaceable occupations. He is a young man of a kind and trusting nature, putting confidence in those who are around him, among whom he has secured the friendship and goodwill of a woman like Mrs. Blyth. I say that a young man who shows himself, as he must have done, to a woman like Mrs. Blyth, and secures her good feeling, does that which tells a great deal. Mrs. Blyth's friendship has been of great service to this young man. Mr. Blyth also, who is a respectable man, speaks of him as kind and humane. Mr. Glass, who has known him for four years, also says he was a kind and humane young

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man. Mr. Haffa says the same. And this is the man who has perpetrated this most hideous murder. That is what the prosecution says. My learned friend the Solicitor-General said he had seen the stick which was in the railway carriage, and that it was covered with blood, and that, therefore, it probably was the weapon with which the murder was committed. He has undertaken to show you, or has suggested to you the theory, that this young man, seized by the sudden temptation to possess the property of Mr. Briggs, took his stick, beat him about the head, carried the body across the carriage, and threw it out of the window. Gentlemen, I say that is impossible. I say that the prisoner at the bar could not in any way have done that.

Allow me to go a little further into this. The prosecution were at a loss to say with what weapon this could have been done. Not a word was said about this either at the Police Court or before the coroner. Not a single word was suggested that this was the way in which the murder was done by the young man at the bar, and, until that statement fell from the lips of the Solicitor-General, it never entered my mind that that was the way in which the prosecution were going to account for the murder having been committed. A pair of shears had been taken out of the pocket of the prisoner, but I do not suppose that even now the Solicitor-General would suggest that the murder was committed with the shears. The blows were inflicted with a blunt instrument, and not with a sharp one. The stick was said to be covered with blood. Now, if that were the weapon, where would the blood have been found? There was a little blood upon it for about 6 inches, which had been examined by Dr. Letheby with a microscope, and there was no doubt it was human blood. But there was blood all over the carriage, and this stick being there must have got splashed with blood, though if it had been used as a weapon the blood would have been upon the handle. Now, gentlemen, you have heard me ask Mr. Briggs, the younger, whether he knew a gentleman of the name of Lee. That gentleman was examined before the coroner. I cannot understand why he has not been presented before you on the part of the prosecution, but my learned friend, who has not thought fit to call him, has, I have no doubt, some good reason satis-

factory to his own mind for not doing so. Mr. Lee, I understand, is a gentleman of independent means. He is the son of Mr. Lee, one of the first coal merchants, and is altogether unimpeachable as regards character. He was called, I think, before the coroner, and he told the coroner what he will tell you, that on the night of the 9th of July he saw Mr. Briggs, and, knowing him well, spoke to him at the station. I shall bring this gentleman before you, who will prove this. He was going as a passenger to Bow by the train which arrived at ten o'clock. He says Mr. Briggs got into the first compartment of the first-class carriage nearest the engine, and he said "Good-night, Mr. Briggs," and Mr. Briggs replied "Good-night, Tom." Nothing else passed between them. He saw there were two persons in the same part of the carriage, and the deceased was sitting on the side next the down platform. One man sat on the same side as Mr. Briggs, and the other opposite to him. There was a light inside, but it was from the lamp outside that Mr. Lee saw the two persons. It was quite possible for these passengers to have got out after he got into another compartment without his seeing it, but they did not appear to have any intention of leaving the carriage when he saw them. One man, he said—the man next the deceased—was a tall man, and he believed he had dark whiskers. He would not swear he had whiskers. The other man had light hair. He could not tell the ages. That is a statement of what he saw, and that is an important statement, because, as far as you know of this matter as placed before you on the part of the prosecution, the murder must have been committed between Fenchurch Street and Bow, or between Fenchurch Street and Hackney Wick. There is no reason whatever to doubt that Mr. Lee saw two men, and that it was the gaslight that enabled him to see the men so well as he did. As far as he knew, neither of these men got out of the carriage. He could not say that Müller was one of them. My learned friend the Solicitor-General has put before you another theory. He did not think there were two men. He thought there was only one, and he gave as a reason that if there had been two men the pockets of Mr. Briggs would have been rifled, and the money taken from him, but if there was only one man the time would not have been long enough to get at the pockets of the deceased gentleman.

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Now, gentlemen, you will observe that the description given by Mr. Lee does not answer to the description of Müller in any way. He says he cannot swear it was Müller, but he says also he cannot swear it was not. He is clear, however, that he saw two men. Now, gentlemen, for some reason or other this gentleman has been kept back. It would not serve the purposes of the prosecution to let you know that fact. Therefore Mr. Lee is not called, because, I suppose, he would embarrass the theory as to who did this murder and how it was done. I shall feel it my duty to place that gentleman before you. Mr. Lee said that at the time he saw Mr. Briggs that gentleman had his hat on. Here you put an end to the suggestion that this is the hat of Mr. Briggs, for, if he had it on at the time of the first blow, it must have been crushed.

Gentlemen, if this were a case of a £10 note, if it were a case of a bill of exchange, if it were a case of goods exchanged or sold, of work done, or if it were a miserable squabble between a hackney cab and a dust cart, I should be permitted to sum up the evidence for the defence. But this is simply a case of life or death, and the law of England forbids that to be done. I feel very strongly on this subject; but we are in a Court of justice, and not in a Court of legislature, so I forbear to express my opinion further. You may remember that the prisoner said he was going to see his sweetheart at Camberwell, and he gave the name of the girl he was going to see, who Haffa said was a girl of the town. He had known her before, and had been in the habit of visiting her. Haffa did not know whether she knew Müller by his right name, but she will tell you that when you see her. Her landlady, Mrs. Jones, lives at Stanley Cottage, James Street, Vassal Road.

Now, gentlemen, this evidence is in the nature of an alibi, and, if true, it is the most conclusive evidence which can be given. This young girl knew a person of the name of Alexander Gill. I shall call Mrs. Jones before you, and she will tell you that on that night, after nine o'clock, between nine and ten, Müller called, but the girl Eldred was out. He spoke to Mrs. Jones or Mrs. Johnson, as he called her, about ten minutes, and then left. He had his slipper on, and you will remember that it is clearly proved that upon the night of the murder

he had his slipper on when he left the Repsches. He had it on also at Camberwell. That is another circumstance in the case which makes it very unlikely, as it seems to me, that, with a slipper on, he could have committed such a crime as this. He had his slipper on when he left Camberwell. The girl Eldred had gone out about nine o'clock. Shortly after that, as you will find by witnesses, Eldred returned, and then Mrs. Jones told her that Müller had been to see her. (The learned Serjeant was here interrupted by one of the other learned counsel for the defence, and, correcting himself, said)—I am told it was Sunday morning when Eldred returned. This only shows you how very desirable it is that counsel for the defence should have the right of summing up afterwards. Mrs. Jones told her that her young Frenchman had come to see her; for Mrs. Jones, or Johnson, knew him as the young Frenchman. Now, Mrs. Jones and the young girl Eldred about this time received a paper which I hold in my hand, and which is a telegraphic message. That message was received on the 9th of July from Alexander Gill Strachan, giving an address somewhere in Whitechapel, and addressed to Miss Eldred, Stanley Cottage, James Street, Vassal Road, Camberwell. It said— Mr. Serjeant Parry

I shall be with you on Sunday at three o'clock, be at home.—Yours, in haste, Alexander Gill Strachan.

Mrs. Jones has two lodgers in her house, one Miss Eldred and another girl. Both of these girls are what are called unfortunate girls. Now, that appears to me to be the only blot in the character of Müller that we have seen in the course of this very long trial. Gentlemen, when we know well what is going on in all classes, from the highest to the lowest, our moral indignation ought not to press too heavily on the heads of these unfortunates. Still, they will have to be watched narrowly to see whether evidence is or is not true. If you are satisfied that this telegram is genuine, it is a wonderful coincidence that this girl should have received it, and that she should be told on the same day by Mrs. Jones that her young Frenchman had been to see her. This is a wonderful coincidence. That this message is a genuine one can be proved beyond all doubt or question, and Mrs. Jones will tell you that on that night Müller came to her house; and that, gentlemen, is where

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Müller himself said he was going when he said he was going to Camberwell, and, I believe, to see the girl Eldred.

Now, gentlemen, a person suddenly appears before you as a witness of whom you have heard nothing before; but, if you believe what this witness will tell you, it will allow you to relieve the young man at the bar from the fearful consequences of this charge. I shall call before you a witness whose testimony, however, will not be very great. An omnibus conductor who conducts an omnibus from Camberwell Gate remembers this, and it is one of the results of the inquiries that have been made by the German Legal Protection Society, who, much to their honour, although feeling as great a horror at this crime as any men living, have not allowed the life of their countryman to be sacrificed, however humble he may be, without giving him the means of a complete and thorough defence. I shall call this omnibus conductor before you. He has been to see Müller since he was in prison, and has been unable to identify him. Mrs. Jones and Miss Eldred saw him in prison, and, of course, recognised him at once. It is, however, a very small circumstance that I am about to mention. The omnibus conductor remembers that at seven minutes to ten o'clock on one Saturday night a passenger got into his omnibus; and, if it should be that this man was the prisoner before you here to-day, it would not be the first time that you had heard that he had come home in a Camberwell omnibus that night. About ten minutes to ten o'clock—on a Saturday night, I say—the omnibus conductor recollects a passenger got into his omnibus who had a carpet slipper on one foot. That is the whole of the evidence he can give you. It may weigh as naught. A passenger in an omnibus with a carpet slipper is, however, a very rare kind of passenger. The time, too, fits with Müller's visit to Mrs. Jones.

Now, gentlemen, it may be that on examining him more may come to his recollection. It is a very trifling circumstance which he has to speak to, but the very insignificance of it shows that the man who tells it must be the witness of truth. If what he had to say had been false, he would have said he had known Müller, and he would have told you all that was necessary to prove an alibi. I dared not keep this fact from you, although I admit it is not of so great importance as

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others that will be submitted to you. There is, however, one observation which I ought to have made before, and it is of such great importance that I am sure you will not regret that I make it now. It is this, that no marks of blood whatever have been found on the clothes of the prisoner. It is idle to say that he has made away with his clothes, because he clearly had not done so before his departure from the London docks. No marks of blood have been found. Gentlemen, it cannot be doubted that if he were himself the murderer, or if he were one of two murderers, he would have had marks of blood upon him. Blood spurted out of Mr. Briggs, and there is no doubt whatever that his assailant must have been covered with blood, or, at all events, have had a considerable amount upon his clothes. Now, the only way in which the prosecution can answer that statement is this, that the clothes he wore in that carriage might have been made away with. It appears to me to be conclusive that they were not made away with after the murder.

Now, gentlemen, I believe that I have urged upon your attention every topic that I thought might be honourably advanced by me on behalf of the prisoner at the bar. I hope, I sincerely hope, that I have done my duty. Gentlemen, this case, as I have said all along, is one of suspicion, great suspicion; but I hope you will forgive me if, at the last moment that I shall have the opportunity of saying a word to you—I hope you will forgive me if I entreat you to bear in mind that the case, if not proved against the prisoner, is equivalent to the fact of his innocence—at all events, so far as your duty is concerned. "Not guilty" in the English law means this, either that the person charged is perfectly innocent, or that the evidence against him—the proof brought forward—was not satisfactory to the careful and cautious men who tried him. Gentlemen, if ever there was a case in which care and caution ought to be exercised by Christian men before they arrive at a conclusion it is a case like this, where the life or death of a fellow-creature hangs upon the balance. Once given, and the sentence executed, your judgment is irrevocable. You possess a transcendent power—a power which no other institution in this country possesses. You, the jury, have the transcendent power to bid that young man to live or to die.

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Gentlemen, when you retire after the final charge of the learned judge, there will be a terrible duty cast upon you. Is there one of you who would not have preferred to be relieved of that duty? Gentlemen, as I began, so I will end. Whatever difficulties this young man has had to encounter in this case—whatever difficulties I, as his advocate, have had to encounter in the performance of my duty—I will only say at the end, as I did at the beginning, that I have the fullest reliance upon your honour and your caution. I have the fullest reliance that you will receive every proposition I have made for the prisoner with the favour it deserves at your hands. Gentlemen, you will have to pronounce judgment, and I hope and pray the judgment may be one of mercy.

The Court adjourned at seven minutes past five o'clock.

Third Day—Saturday, 29th October, 1864.

The Court met at nine o'clock.

Thomas Lee, examined by Mr. Metcalfe—I reside at King Edward Road, Hackney. I am a private gentleman. My father was in business as a coal merchant. I knew the late Mr. Briggs, and had known him for the last three or four years. I saw him last alive on Saturday night, 9th July, at the Bow station. It was about ten o'clock. He was in a first-class carriage of a train coming from Fenchurch Street, which stopped at Bow station. The carriage was the third or fourth from the engine. I did not notice exactly which. I said to him, "Good-night, Mr. Briggs." He answered me and said, "Good-night, Tom." I was sufficiently familiar with him for him to address me in that way. The train stopped there longer than usual. I got into a second-class carriage, nearer the engine, to go to Hackney, where I live. There were two other persons in the same compartment with Mr. Briggs. There was a light in the carriage. I believe Mr. Briggs had his hat on, or I should have noticed it certainly. One of the persons was sitting on the side of the carriage next the platform, opposite to Mr. Briggs; the other was sitting on Mr. Briggs's left-hand side next to him, on the same side of the compartment. I saw sufficient of those persons to give a description of them—one in particular. The man who sat opposite to Mr. Briggs was a stoutish, thick-set man, with light whiskers. He had his hand in the squab or loop of the carriage, and I noticed that he had rather a large hand. The other man I only saw casually, but he appeared a tall, thin man, and dark. **Thomas Lee**

To the best of your belief, does the prisoner at the bar appear like either of those men?—I can't swear to him.

Have you any belief on the subject?—I should rather think he was not. I gave no information to the police of what I had seen. Neither of the persons seemed, when the train came up,

Thomas Lee as if they were getting out, or moving with the intention of getting out, at the station. I was in the second-class some time before the train moved on. When the carriage came up I spoke to Mr. Briggs. I saw no apparent intention of those persons leaving the carriage. I first mentioned this to any one, I think, on the Monday or Tuesday following, almost as soon as I heard of the murder being committed. I spoke to a friend about it first. Subsequently, I believe, it was communicated to the police, and I was examined before the coroner. I was called, I don't know on whose part. The coroner directed me to be there. Before going before the coroner I gave my evidence to Superintendent Howie, who, I believe, was making inquiries for the prosecution.

Cross-examined by the Solicitor-General—I was not examined before the magistrate. I live about twenty minutes' walk from Hackney station. I left my house about eight o'clock. I cannot be sure what time. My only object in going to Bow was for a change. I walked up Hackney a little way for amusement, for a stroll. I think I started from Hackney by the quarter to nine or nine train. I took a stroll down to Bow Church. I only went to Bow for a stroll, that's all. I called in and had a glass of ale in a public-house at Bow just beyond the church on the left-hand side. I don't know the name of it. I only had one glass of ale. I can't swear that I did not go to any other house, but I did not speak to anybody. I simply went to Bow for a stroll. That is all the account I can give. I got back to my house about a quarter to eleven. I did not speak to anybody during that time. I don't think I saw any one I can remember except Mr. Briggs. I believe I did not. To the best of my belief, I swear it. I cannot go beyond that, because it is some time ago. I know it was Saturday night, the 9th of July, because I heard of the murder the following week. It was the only night I ever saw Mr. Briggs at Bow station so late. I heard of the murder, I think, some time on Monday, about the middle of the day, at Mr. Ireland's, the Falcon, Fetter Lane, where I have my dinner generally, or Mr. Lake's, the Anchor eating-house, in Cheapside. I am not quite certain whether I dined at Mr. Ireland's or Mr. Lake's that day. I am not quite certain that

it was Monday; it might have been Tuesday, but I think it was Monday. I am quite positive I did not hear of it on Sunday. Thomas Lee

Having seen, as you say, Mr. Briggs within a few minutes of his murder, in company with two men in the same carriage, why did you not inform the police of that fact?—Because I did not wish to be brought up. I did not see what my evidence had to do with it.

Pray, consider your answer. Do you mean to adhere to that answer, that you did not consider your evidence was of importance?—I do.

What! you saw Mr. Briggs three or four minutes before his murder with two men, whom you say you could describe, and yet you did not think it of importance to inform the police?—I did not think there was any need of it. That answer I persist in. I first mentioned that I had seen two men in the carriage with Mr. Briggs whom I could describe to a friend of mine, Mr. Tompkins, I think, on the Monday night. I can't swear to what I only think. Mr. Tompkins is a doctor, but not my doctor. I have a wife. I am positive I told Mrs. Lee on Monday night. I told Mr. Tompkins first, because I saw him before I got home. I think I saw him on Monday. I think I then told it to Mr. Ireland on the Tuesday. I did not know at the time I should be called up for anything, therefore these facts did not impress themselves on me. The next person, I believe, was Superintendent Howie. I did not go to Superintendent Howie to give information; he came to me on the following Sunday afternoon, I suppose in consequence of what he heard I had been talking about. He sent a man round on Sunday morning and came in the afternoon. I then gave him some information.

Then I am to take it that during the whole of that week you, knowing, as you say, that there were two men whom you could describe, gave no information to the police?—Yes.

You did not give it until one of them came to you?—I should not have given any information at all if they had not come, because I thought it unimportant, and because I knew how much bother it was. I have something to do. I collect my own rents. I was examined before the coroner, and I believe gave the same account of the men before the coroner that I have given here now.

Thomas Lee (The SOLICITOR-GENERAL was about to read from the witness's deposition before the coroner, when Serjeant Parry objected, on the ground that the depositions had not been put in as evidence—that certain words with reference to the witness's statement before the coroner he (Serjeant Parry) had read from the instructions contained in his own brief.

After some little discussion, Serjeant Parry's objection was sustained, and the witness's cross-examination resumed.)

Cross-examination resumed—I don't remember who was the ticket collector on that night. When I saw Mr. Briggs the train had just stopped, and I immediately got into my carriage after bidding him good-night. I have been in Mr. Briggs's company a good many times—more than half a dozen times—a good deal. I never visited or dined with him or he with me. I have seen him in the city, and often riding home with him in the same carriage. That was my only acquaintance with him. He had been in the habit of calling me "Tom" lately, and I will swear he did so on that night. My carriage was next to his, nearer to the engine. I got out at the Hackney station. I did not observe the guard come with a lamp to his carriage, nor any commotion on the platform, for I got out quickly. I heard of nothing extraordinary having occurred in the carriage next to me.

Re-examined by SERJEANT PARRY—Hackney is not far from Hackney Wick. I am able to swear I heard of the murder on Monday or Tuesday. I believe I gave Superintendent Howie the same account that I have given to-day. He wrote it down. I have not seen him here. I was examined twice before the coroner, but not in the sharp way that I have been by the Solicitor-General to-day. Mr. Beard asked me one or two questions. I had to go to Bow Street to see if I could identify Müller. When it was found that I could not identify him I was not called. I never knew or heard of Müller before in my life. I have known Mr. Briggs in the way I have described for two or three years. He was rather of a cheerful, affable disposition. He generally used to sleep going home in the railway carriage; but he was not asleep on the night I bade him good-night at Bow station. I think the train was late that night. When I arrived at Hackney I immediately got out of the

carriage and left the station, just as an ordinary passenger, but rather quicker, because I was rather late. Thomas Lee

By a JUROR—When Mr. Briggs was asleep he would keep his hat on.

GEORGE BYERS, examined by Mr. BESLEY—I live at 4 Bridge Road, Eburybridge, Pimlico. I am a hatter by trade, and have been brought up to it from boyhood. I am acquainted with all the branches of the hat trade, the second-hand trade most particularly. Cutting down hats and sewing them is usual in the second-hand hat trade with me and others. It is usual to stitch them when they have been cut down. (Hat found in Müller's possession handed to witness.) This is not done as I should do it, because I should stick it with dissolved shellac, as well as stitch it. That would involve more time and trouble in the work. George Byers

By the CHIEF BARON—I should stitch it first, and then fasten it with dissolved shellac, so that it would be independent of the stitching. That is the usual way in which it is done in the trade. I should cut it down, of course, but likewise gum or fasten it with the dissolved shellac. Some men, I may say, are bunglers. They might probably in a hurry put a hat together without stitching.

By a JUROR—It would probably take, independent of the sewing, half an hour to make a good job of a hat, to gum it, finish it, stick it on, and put the silk in its place after it is stitched. Then it is finished. If I had a job of that sort, I should take the leather out; I should not cut it off. I should put a new leather in.

WILLIAM LEE, examined by Mr. BESLEY—I am a hatter, residing at Queen's Road, Chelsea. I have been for six or seven years in the trade. In the second-hand trade I always stitch hats after cutting them down. The reason for cutting them down is that hats are now worn lower than the old hats. Besides stitching, hatters use varnish. (Same hat handed to witness.) I have done a great many hats in the same way as this. If I cut down a hat for any one which did not require William Lee

William Lee a new lining, I should put in the old one again. It is cheaper to stitch hats in the second-hand trade, because you save the expense of shellac. I know nothing of Müller. When I heard of this case I did not volunteer my evidence; I was subpœnaed. I have never seen this hat before.

Cross-examined by SERJEANT BALLANTINE—Is that lining cut in the way you would do it? You observe the edge of the leather is cut?—It is lower. The leather has been cut. I do not know why the leather should be cut. We do not cut leather in our trade.

Has it been cut for any purpose you can understand?—I do not know that.

People would not think of cutting a piece out of a new hat?—Hats are worn lower than they used to be, and a hat would become more saleable after being so treated.

Re-examined by SERJEANT PARRY—Have you, as regards stitching, done many hats in the same way as that in your own trade?—Yes.

Are hats sometimes cut down on account of grease from the head having injured them?—I have never done so.

By a JUROR—I should not put so many stitches in a hat as are in this; not so close together, nor yet in the same zig-zag way. I should not either cut a hat down so low. It is lower than they are worn.

Alfred C. Woodward ALFRED COOPER WOODWARD, examined by Mr. METCALFE—I am a clerk in the service of the Electric and International Telegraph Company, which connects with the London District Company. (Telegram handed to witness.) I have the original of which this is a copy; here it is. (Original produced.) That telegram was sent from the office on the 9th of July last. (Telegram read by the Clerk of the Court.) The sender of the message was Alexander Gill Strachan, Mr. Drake's, Somerset Street, Whitechapel. It was sent to Miss Eldred, Stanley Cottage, James Street, Vassall Road, Camberwell, New Road, and was as follows:—"Gone to Stratford, but I shall be with you to-morrow, Sunday, three o'clock. Be at home. I shall come without fail.—Yours in haste, Alexander Gill Strachan." It was received on the 9th of July, at the Mincing Lane office,

at 4.30 p.m., and sent about twenty-five minutes to five. It might be half an hour or less reaching its destination. Alfred C. Woodward

By the Solicitor-General—The date is on the top of the telegram.

Mrs. Elizabeth Jones, examined by Serjeant Parry—I reside at 1 St. George's Road, Peckham. In July last I lived at Stanley Cottage, James Street, Vassall Road. I have two female lodgers, young women, who receive the visits of men. A young woman of the name of Mary Ann Eldred lived with me then, and she lives with me still. She has lived with me ten months. I know the young man at the bar. He had been in the habit of occasionally coming to see Mary Ann Eldred. I have known him as visiting her about nine or ten months before the 9th of July. Miss Eldred knew Müller before she came to me—about a twelvemonth, I think. I have seen him visit my house frequently. I remember my lodger receiving this telegram quite well. I do not recollect when I received it, but it was some time in the afternoon. I remember seeing Müller on the 9th of July, the date of that telegram. It was about half-past nine o'clock in the evening. At that time Mary Ann Eldred was not at home. She had gone out at nine o'clock, and had been out about half an hour. Müller called to see her, and found she was not at home. He stayed talking with me about five or ten minutes at the door. I am quite sure it was as much as half-past nine o'clock. He then left. Bearing in mind that telegram, I am quite sure that it was Saturday evening, the 9th of July, about half-past nine, that I saw this young man. I thought his name was Müller, but I used to call him the little Frenchman. I did not know he was a German. Miss Eldred used to say that he was a German, but I used to call him the little Frenchman. I noticed that he had one slipper on. He told me that he had hurt his foot. (Slipper handed to witness.) I did not notice what kind of slipper it was. He told me he was obliged to come out with a slipper, for he had met with an accident and hurt his foot. I did not see Mary Ann Eldred after this young man had left until Sunday morning. I told her her friend had been, and she said, "Who—the one I received the telegram from?" Mrs. E. Jones

Mrs. E. Jones

The SOLICITOR-GENERAL objected to a conversation being given as evidence, and his objection was sustained by the bench.

Examination resumed—I am afraid I can only ask you did you communicate something to Mary Ann Eldred the next morning?—Yes.

And also to your husband?—Yes, on the same evening to my husband. My house was from a half to three-quarters of a mile from where the omnibuses start at Camberwell Green.

Cross-examined by SERJEANT BALLANTINE—I suppose Miss Eldred is here?—Yes.

You are living in some other house; are you living in the same name?—Yes.

Are you sure? Have you taken the house in the same name? —I do not know whether my husband has taken the house in the name of Kent or Jones.

Is his name Kent?—Yes.

How is it your name is Jones?—My name has been Jones for thirty-six years, and I have always gone in the name of Jones. This is my second husband. I do not know Nelson Square, Peckham, or any part of Peckham. I am living now at Peckham, about half a mile from where I used to live. It was Camberwell before; now I have got down the road to Peckham, but I do not know where Nelson Square is. Supposing a person wanted to get to Fenchurch or King William Street, he would go up towards Camberwell Gate for an omnibus. It would take a quarter of an hour or ten minutes to walk there from Vassall Road. It is half a mile or more. The Peckham omnibuses do not go to Camberwell Gate, they go by the Lord Nelson. I do not know whether the Peckham and Camberwell omnibuses meet in King William Street. I believe they both go over London Bridge.

Can you give an idea of the time you received that telegram? —No, I cannot give a better idea than I have given, it is so long ago.

To whom was the telegram handed?—I took it in off the messenger. I do not know whether I signed for it. I only recollect its coming on that day. Directly I received it I took it up to Miss Eldred's room. The gentleman that sent it lives in the neighbourhood of Peckham. Miss Eldred occupies the first floor.

What time do you generally dine?—Sometimes at one and sometimes at two o'clock; never later than two. Mrs. E. Jones

Don't you recollect how long it was after dinner that the telegram came?—I do not.

Had you any reason to recollect Müller's calling except from Miss Eldred's being out?—I should not have known the date if it had not been for this letter (the telegram).

Should you have known the time when Müller came but for what Mary Anne Eldred told you?—Müller came about half-past nine, half an hour after Miss Eldred went out.

How did you know what time Miss Eldred went out?—She called to me before she went out to know the time.

You remember the time she called to ask?—Yes.

Can you not tell me how long after the telegram arrived Müller called?—I cannot give you the time when the telegram came. It was some time in the afternoon; but I cannot say when. I had a clock in the kitchen. I looked at the clock, and called out when it was nine o'clock, and then Miss Eldred went out.

When were inquiries made of you in this matter?—When inquiries were made she remembered having this telegram on the afternoon that Müller called.

When were inquiries made of you about this matter? Was it before Müller arrived in England?—I do not understand your question.

(Question repeated)—It is about seven or eight weeks ago, I think.

Who called first?—A German gentleman and another gentleman.

Did you know that Müller was suspected?—We had heard it, but we did not know whether this was the same or no. He went by the name of Miller. We did not know it till the German gentleman came. He called two or three times. It was some weeks after we had seen Müller.

Was Miss Eldred with you when the German gentleman came?—She was called into the room.

When the German gentleman came, you had not the telegram upon the table?—No, sir; it was fetched afterwards. Miss Eldred remembered that she had received it on the same day, and she had it in her box with her other letters.

Mrs. E. Jones Did the German gentleman mention the day, or how came she to know anything about the day?—She had heard of the murder being committed on the 9th of July.

If you and she had had any talk about the murder, do you mean to represent that Eldred was not at all aware that the man accused of that murder was Müller?—Not for some time; but when we used to read the papers, being a tailor, and being lame when we saw him last, although he was called Müller instead of Miller, we thought it seemed to correspond with the young man she knew. We fancied so before the German gentleman came.

Did she not remember that she had had this telegram before the German gentleman came?—No; she remembered it one time, and she said she had it on the very day Müller last called, and "if I find the letter we shall know the right date when he came on." That was only two or three weeks ago. She said, "I hope I have not destroyed it." When she looked for it she found it. It was only two or three weeks ago she found it. She has always had it by her, but it was never sought for. She gave it to my husband in my presence. She said she did not know whether it would be of any service. My husband gave it to the German gentleman.

It is six or seven weeks since the German gentlemen came who were assisting in the defence of Müller; if she had the telegram when they called why did she not go and look for it at once?—She might not have thought of it. I do not know whether she told the German gentleman that day that she had the telegram; I was not in the room all the time. Nothing was said about the telegram while I was in the room. I remembered distinctly that the telegram was received on the day that Müller called last. I did not tell the German gentleman so, but she gave him the letter to convince him as soon as she found it.

Why did you not tell the German gentleman that Müller had called at half-past nine on that evening, and that you remembered the day by the telegram?—Well, I do not know. I did not interfere with her affairs. I did not think of it at the time; they did not refer to any letter, neither did I. I do not know whether Eldred told him. I left him and her alone in the room both before and after. The first time that Eldred

and I had any conversation about the telegram may be three weeks ago, that would be some three or four weeks after the German gentleman called on us. I never knew of it until about three weeks ago, because we did not know the day of the month, but she said, "I had a letter from my friend," calling him by his name, "and if I can find that letter I shall know the day of the month; I hope I have not destroyed it." That was two or three weeks ago, and she looked in her box and found it. Mrs. E. Jones

Can you say how she came to say this two or three weeks ago, never having referred to it before; can you explain that? —She remembered having the letter the same day, and she knew if she had come up she would not like to false swear, and she would know by that letter the date. I took the telegram to Miss Eldred. I have parted with it to the gentlemen who are defending the prisoner. My husband gave it to them in my presence, but not in Miss Eldred's presence. Miss Eldred sent it to him, but she said she did not know if it would be of any service. I thought that was a fortnight ago come Tuesday. A week last Tuesday the German gentleman has had the letter in his possession. Miss Eldred brought it down and gave it to my husband; I saw her do it; it was last Monday week she brought it down, and on the Tuesday she gave it to the German gentleman. I mean that at the time she gave it she said that she did not know it was of any service. Miss Eldred was sometimes in the habit of asking the time before she went out, but not always. I cannot say whether she did so the night before; I think she did—she generally wants to know the time. I cannot say whether she did on the night after. She does not go out on Sunday evenings. I cannot recollect whether she did on the Monday. Sometimes she will ask the time three or four times a day. There is no clock in her room.

Re-examined by SERJEANT PARRY—Would you not have been able positively to fix the date of Müller's calling unless the telegram had been found?—I knew that it was on a Saturday. I believe it is about seven or eight weeks ago since a German gentleman and one of Mr. Beard's clerks first called. We then told them that Müller had called, he had been in the habit of visiting our house, and had called on the Saturday. We

Mrs. E. Jones heard of the murder on the Tuesday following. I think we should have known the date by hearing of the murder. Finding the telegram made us quite positive as to the day of the month. I never eat supper, nor does Miss Eldred before she goes out.

By a JUROR—Müller had a hat on when he called.

M. A. Eldred MARY ANN ELDRED, examined by Mr. METCALFE—Where did you live in July last?—Lant Street, in the Borough.

Where did you live before you came to Peckham?—Lant Street.

Where did you live before that?—In Islington.

Did you ever live at Camberwell?—Yes; with the same landlady that I am now with.

What was the address?—That was Stanley Cottage, James Street, Vassall Road.

Were you living there in July last?—Yes, sir.

Do you know Müller?—Yes, sir; I have known him for a twelvemonth.

Were you often in the habit of seeing him?—Yes.

How long was it before the 9th of July, when you received that telegram, that you had seen him?—I met him on the Saturday preceding the 9th of July in the Old Jewry, Cheapside.

Do you remember to what hour you remained at home on the day you received the telegram?—I went out at nine o'clock in the evening, and I remained out till after twelve o'clock. I came home that night.

Did you see your landlady that night?—No, not till the morning. She told me then that my friend had called.

How long was it after that before you heard of the murder?—I can't recollect. I can't tell at all.

Are you quite sure you went out at nine o'clock that night?—Yes; I generally went out about that time—at nine—and the prisoner called at half-past nine.

Did Müller call before you went out?—No.

Did you know of his going abroad?—Yes; several weeks before he went. He told me, and asked me to go with him. He said he was going to America to see his sister, and that if I did not go with him he should only remain there six months.

When did you first make a communication to any one about his having been there?—I don't remember telling any one. M. A. Eldred

Do you remember some gentlemen calling—some German gentlemen?—Yes, sir; I did not see them the first time they called.

Did some one come afterwards to speak to you about it?—I don't recollect.

Did you make a statement at any time?—No, sir.

Did you say something which was taken down in writing by a gentleman?—No, sir.

Did you see the solicitor, Mr. Beard?—Yes.

When was that telegram produced first?—I have had it a long time.

When did you give it up to any gentleman?—Two or three days ago, I think.

Cross-examined by the SOLICITOR-GENERAL—When did you see that gentleman, Mr. Beard?—A few days ago.

When did you see him first? Do you recollect? Within a month?—It is not so long as a month ago.

How soon after seeing Müller for the last time did you speak to anybody of this matter?—I don't remember that I ever did.

Did you see a German gentleman?—No, sir.

Did you see two gentlemen together at your house?—Yes.

When?—Some weeks ago. Three or four weeks ago.

Was anything said about the telegram?—I did not say anything about a telegram.

When did you first say anything about the telegram?—A few days ago.

Until these gentlemen called at your house about a month ago, had your attention been called to the date or time of Müller coming to see you?—No, sir.

Did you remember at once the exact time of your going out?—Yes; I remembered going out at nine o'clock, because I had the telegram from that gentleman.

What time did you receive it?—I can't say the time, but it was towards the afternoon. It might have been one or two o'clock.

What time did you dine on that day—after four o'clock?—I can't exactly tell. I daresay it was about that time, but I can't tell to half an hour.

M. A. Eldred

When did you breakfast?—I don't remember when I breakfasted. It might have been ten or eleven o'clock.

When did you get up?—I got up after eleven.

When did you go to bed?—I went to bed past twelve o'clock. I think half-past. I only guess. I am positive I went out that night at nine o'clock, because it is the time I generally go out, and because I went out every night at that time. I can remember so well because of the telegram.

What had the telegram to do with the time you went out?—I don't know that it had anything to do with it. I remember the time, because the landlady told me Müller had called in the evening. It was the next morning she told me that. The receiving the telegram had nothing to do with the time of my going out. I don't know why that should assist me in recollecting the time I went out.

Re-examined by Serjeant Parry—You say you heard from Mrs. Jones next morning that Müller had called?—She said to me that a friend of mine had called.

By a Juror—Were you in the habit of seeing Müller's hat?—No, sir; I have not noticed it.

T. Beard

Thomas Beard, examined by Serjeant Parry—You have conducted the defence of this young man, instructed by the German Legal Protection Society?—I have.

You have heard Haffa examined here?—I have.

Did you hear him say that Müller told him when he left Old Jewry Street at a quarter to eight o'clock that he was going to Camberwell to see this young woman?—I did hear him say so.

Did he communicate that fact to you before the arrival of Müller in this country?—He did.

I believe he also said so at the Police Court?—I am not quite sure, but I am sure he communicated it to me out of Court. I received that communication four or five days before Müller arrived from America, and he arrived on the 17th of September.

In consequence of that did you instruct your clerk to accompany one of the German gentlemen to make inquiries about this matter?—I did.

Did he do so?—He did, and he brought the result back to me.

Sir R. P. Collier (First Lord Monkswell).

This telegram was first handed to you twelve or fourteen days ago?—About that time. I had proofs produced to me by my clerk and a German gentleman before Müller's arrival, also proofs of Eldred and Jones. T. Beard

The telegram was shown to you on consultation, I daresay on Thursday week?—I had not then had it in my possession above a couple of days.

Cross-examined by Serjeant Ballantine—It was under my judgment that neither of these witnesses was called at the Police Court nor before the coroner.

Charles Foreman, examined by Mr. Metcalfe—I am an omnibus conductor, living at 7 Norfolk Street, Montpelier Square, Peckham. I conduct an omnibus belonging to Mr. Barwick, flymaster, of Camberwell, running from Peckham, through Camberwell, Walworth, and Newington, to the Borough. On our last journey I leave Camberwell Gate at five minutes to ten, and arrive in King William Street about twenty past ten o'clock, and leave again at the half-hour, or a minute or two over. The previous journey we leave Camberwell Gate at seven o'clock. It is a little more than a quarter of a mile from Camberwell Gate to Camberwell Green, and about a quarter of a mile from Camberwell Green to Vassall Road. I cannot say exactly. I remember I had a gentleman ride in my omnibus on my last journey, at five minutes to ten, from Camberwell Gate to the City, who appeared to be lame, and wore a slipper, but when I could not say. It was in the summer, but I can't say whether it was in July or August. I cannot tell the day of the week. My attention was called to it a month or five weeks ago. How I noticed it was this. He leant rather heavy on my arm as he got out. He appeared to me to be lame, and seemed rather stout. I made the remark to myself, "Ah, he has got a touch of my old complaint"; that is, the gout. He seemed to me to be rather fair and, to the best of my belief, rather stout. (The slipper was handed to witness.) I can't swear that was the slipper. It seemed to me, to the best of my belief, to be a Brussels carpet slipper. I cannot say whether it resembles it. It was a carpet slipper to the best of my belief. C. Foreman

This concluded the case for the defence.

The Solicitor-General's Address to the Jury.

Solicitor-General

The SOLICITOR-GENERAL then rose for the purpose of replying upon the whole case. He said—Gentlemen of the jury, I said in my opening speech that it gave me great satisfaction that the prisoner at the bar was not an altogether friendless man, but one who had been so far befriended and assisted that he had been able to obtain the assistance of most eminent counsel. We have all witnessed the zeal and ability with which those counsel have discharged those duties. Gentlemen, that my learned friends should have appeared on the part of the prisoner, and have exerted, as I knew they would, both ability and eloquence, is highly satisfactory to the Crown. Had Müller been undefended it is probable and possible that some circumstances which might fairly and legitimately be urged in his favour would have escaped our attention. But now you have the satisfaction of knowing that everything which can be fairly and properly said on his behalf has been said with the utmost force and eloquence. It remains only, therefore, to hear the comparatively few observations which it will be necessary for me to address to you on the part of the Crown, and to hear the summing up of the learned judge, to be in a condition to do your duty with perfect impartiality towards the prisoner at the bar. Gentlemen, I am sure I need not say "at length," for you will readily believe me that the Crown could have no interest in unduly pressing any prosecution. God forbid that any man who appears on the part of the Crown should be desired to do so. At the same time, it is my duty, representing the Crown—which, in other words, is the public, the public to whom it is my duty to inform you that you have a duty to perform as well as to the prisoner—to see that you thoroughly appreciate the facts of the evidence which have been submitted to you. When I have done, my duty is done and yours begins.

Gentlemen, my learned friend Serjeant Parry somewhat complained of me, I think, for having alluded to the probabilities of this case. Though he complained of me for

alluding to those probabilities, he proceeded to dwell on them himself. In fact, the staple of his speech has been probabilities, but, with respect to the facts of the case, my learned friend has been silent. It is highly proper that the jury, in considering a case of this sort, should bear in mind not merely facts which are in the nature of conclusive and proper evidence, but that you should bring to the discharge of your duty your knowledge of the ordinary affairs of the world. My learned friend was, therefore, perfectly right in dwelling on the probabilities of this case; he was only wrong in blaming me for having done so also. But, gentlemen, in adjusting the final balance, when you hold the scales, probabilities are as feathers, facts as lead. I desire to call attention to some of the leading facts, and I will omit the probabilities. The first and most important fact of the case appears to be this. Aye or no—was that hat found in the railway carriage the hat of Müller? Now, it is proper you should appreciate the full force of that inquiry. For, gentlemen, if that hat was the hat of Müller, worn at the time on that night, what follows? That Müller was in that carriage with Mr. Briggs, and that the case, as far as his being in the same carriage with Mr. Briggs is concerned, is proved as conclusively as if he were seen in that carriage by a dozen witnesses. If Müller left that hat that night in that railway carriage, the case is the same against him as if he had been seen to get out of the carriage after the murder was committed, and thereupon was apprehended. It is impossible to over-rate the significance of that fact. Aye or no—was that hat the hat of Müller? That is the question. I listened to my learned friend's speech with a good deal of interest. I wished to see whether he would suggest this theory, for I knew the fertility of my learned friend's invention would suggest the best possible theory for your consideration in this matter. I waited to see whether my learned friend would suggest a theory of this kind—"that hat was the hat of Müller: it was left by Müller in that carriage on that night, but still Müller did not commit the murder." But my learned friend, feeling the gigantic difficulties—which I candidly admit—of the case that he had to grapple with, did not feel himself able to propound to you any theory of Müller's innocence consistent with the fact of his hat having been found in the railway carriage. I

Solicitor-General

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should have been glad to hear the suggestion of Müller having been in that railway carriage, and having left that hat innocently, and not having been connected with the murder. But my learned friend knew, his experience told him, that it was idle to make any such suggestion—that it was impossible that it should be believed by a jury. My learned friend knew that the only course he could pursue to save his client was this, to deny or to raise a doubt in your minds as to that hat found in the railway carriage being the hat of Müller.

Now, gentlemen, on that it is my duty to invite your attention to the evidence. The evidence upon that subject has turned out, in the course of the inquiry, stronger than I was aware of, and stronger than I stated to you in my opening speech. I was anxious in stating this case not to overstate it. It would have been highly improper if I had done so. I, therefore, with the information which I had then received, stated it to you in this way, that the hat which was bought from Mr. Walker in Crawford Street had a peculiar lining, but that it was a lining used by Mr. Walker in his trade. I certainly was under the impression that possibly he had put the same kind of lining into five hundred different hats. But, gentlemen, it has turned out, and upon the cross-examination of my learned friend himself, that, according to the witness Watson, there were only three or four hats made with that lining, and, according to Mr. Walker's evidence, only one, or possibly two. That certainly was very striking. There is no more powerful cross-examiner than my learned friend. Under his cross-examination a bad case or a rotten case crumbles into dust. But it is the characteristic of a strong case and a true case, that the more it is cross-examined the stronger it becomes, and the effect of the whole of the cross-examination of my learned friend has been to corroborate the case against the prisoner. Gentlemen, the evidence upon the subject of the identity of the hat is a most striking fact. I believe, if a hundred cases were tried turning upon the identity of a hat, it would be impossible to give evidence so cogent as this.

It is proper, now, to point out the effect of the evidence. I will take the evidence of the hatter and that of Mrs. Repsch only for the purpose. I will put aside Matthews, of whose evidence I shall have a word to say

presently. I will put Matthews' evidence altogether out of the case, and see how the matter stands with respect to that hat. Mr. Walker, the hatter, was called, and shown the lining of that hat. He says, "That is a peculiar lining, which I got from France. It was only a sample, and it was used at most in two hats." Watson, the foreman, says it was used probably in three or four, but Mr. Walker says in one or two hats only, and he believes only in one. What does Mrs. Repsch say? She noticed Müller with a hat with that particular lining. When Müller got the hat he brought it to her, and she observed the peculiarity of the lining. She had seen him from time to time take off this hat, and put letters behind the lining, and she gave a description to the police of that lining before the hat was shown to her. Gentlemen, my learned friend has made some attempt, I confess I thought a somewhat feeble one, to impugn the evidence of Mrs. Repsch. My learned friend said that she gave her evidence vehemently, but he was constrained in candour to admit that he was not justified in imputing that she came before you to commit perjury. You will judge whether Mrs. Repsch is open to any imputation at all. It is entirely a question for the jury to judge as to the credibility of witnesses from their demeanour in the box. As far as I am able to judge, and I make the observation subject to your correction, a fairer and more straightforward witness than Mrs. Repsch never appeared before a jury. She had no quarrel with Müller. On the contrary, she was on intimate terms with him. What desire Mrs. Repsch could have to injure this young man is not even suggested. She gave her evidence in every respect in a perfectly straightforward manner, and there is no reason whatever which my learned friend could suggest for discrediting anything which she told you. She is a highly respectable woman, who came forward to give her evidence, and from a sense of duty was compelled to tell the truth, although that truth might weigh against a man with whom she was well acquainted. Now, unless this witness is not to be believed, Müller had a hat with that peculiar lining. What follows? If Mr. Walker is correct, there were only two hats ever made with that peculiar lining—he believes only one —but there may have been two. Now, mark the significance of this evidence. If Mr. Walker is correct, murder must have

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been committed by one of two men. If it were not by Müller, it must have been by the man who bought the other hat—if the other hat was ever made and was still in existence. But, gentlemen, what follows further, assuming that there was another hat? Why, the man who committed the murder was the owner of the other hat. But where is Müller's hat? And what about the chain and the watch? Müller must have got the chain and the watch from the man who wore the other hat lined in the same way. Where did he get them? He must have got them on the Monday morning. Then, again, how about Mr. Briggs's hat? Do you believe the hat in Müller's possession to have been Mr. Briggs's hat, subsequently cut down? If so, Müller must have got it from the man who wore a hat lined in the same way as his own. When one comes to state such a proposition to a jury the matter becomes so incredible and almost impossible that my learned friend knew he could not venture—that it would be trifling with your understanding—to mention such a thing.

But the evidence does not rest here. I must dwell a little longer on these most important facts. Let me remind you here that if this fact—that the hat belonged to Müller—is proved, Müller was in that carriage with Mr. Briggs, and he left that hat there after the murder, and after Mr. Briggs had been thrown out. It is not necessary for me to prove more. But let me dwell further on the evidence with respect to that hat. It is such as a jury could accept, for the evidence was conclusive on that subject. I called before you Matthews, the cabman. And here, again, I wish to know what there is to impeach the evidence of Matthews? I am extremely glad that my learned friend contradicted a statement which I made as to the impression which his cross-examination made on my mind. My learned friend most honestly and candidly disavowed any intention, or the most remote idea, of imputing to Matthews that he was concerned in the murder. My learned friend must forgive me for my misapprehension; but why was Matthews cross-examined so sharply as to where he was on that night? It was utterly immaterial, unless he had committed the murder, where he was on that night more than any other man. It does not signify where he was that night, unless the object was to impute

complicity; therefore my learned friend must forgive me if I supposed, when Matthews was so cross-examined as to his whereabouts, that that cross-examination had an object which it now appears it had not. But I accept the disclaimer of my learned friend. It would be preposterous, and my learned friend, as a distinguished advocate, knows his duty too well to defend any person whose defence must be conducted by casting imputations upon others. I believe that there is not one of my learned friends who would adopt such a course. But what is the imputation against Matthews, if there be any? Why, gentlemen, it is supposed that he is actuated by a hope of reward. What is the object of advertising rewards if you do not intend that any one should be influenced by them? The object is to induce people to come forward to give evidence; and if you are to disbelieve every man who gives evidence because of a reward, at once and for ever cease to give rewards for the purpose of detecting great offences. You have heard the evidence of Matthews, and the account which he gave. Now, let us see whether that account is a probable or an improbable one. It is quite right for you, gentlemen of the jury, to judge of what you think probable or improbable in the evidence of a witness by the aid of your knowledge and experience of the world. Now, what does Matthews say? He says he got a hat for Müller, whom he had known for some time, from Mr. Walker. Müller, he says, saw his hat towards the end of November or December last. He said, "I like your hat, Matthews," and put it on his head; "but it is a trifle too small for me. I should like to have it larger. Buy me a hat at Walker's, and I shall be much obliged." This was very natural, because Walker's shop was out of Müller's beat, which was between Victoria Park and Fenchurch Street, and in the beat of Matthews. Matthews says, "I got the hat for him, put it into a hatbox, and he called one day at my place and took it." To the question, "What did you pay for it, and did Müller pay you again?" Matthews replies, "Well, he did not exactly pay me; but he made me a waistcoat of the value of 8s. 6d., and took the hat." A more probable account was never given. In the whole course of the cross-examination my learned friend introduced a great deal of, as I think, irrelevant matter as to where Matthews was on the night of

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the murder; but not one question did he ask Matthews about the purchase of the hat for Müller for 8s. 6d., or about Müller taking it away. That part of Matthews' evidence my learned friend did not attempt to attack. Then you have this evidence that Matthews never had any quarrel with Müller. Is it credible, then, that Matthews, by false evidence, should desire to take Müller's life? No one could impute anything of the kind.

I confess it gave me great pain when my learned friend desired to cross-examine Matthews as to whether he had not been convicted, fourteen years ago, of a trivial offence for which he got twenty-one days' imprisonment. He was tried at Quarter Sessions, and the evidence went to show that the offence was not a very great one. But he did not disclaim it, and from that time to this there is no imputation of any kind upon Matthews. He appears to have been struggling honestly and perseveringly to support his wife and family. From that time to this he has been an industrious man, and if he did commit an error in his youth, he has endeavoured to redeem it. It is a very hard case, because he is a witness for the prosecution, that an error committed in his youth should be raked up against him; but to suppose this is a ground for discrediting his testimony seems to me entirely out of the question. Matthews had been to America for the purpose of giving evidence in the American Court with a view to the extradition of Müller. When Müller returns Matthews goes up to speak to facts which he knew, and is cross-examined in the most forcible way. He is asked, "Where were you that night?" "Account for your time," and a number of questions of that kind are put to him. Matthews, naturally enough, replies, "I can't exactly say; I was out with my cab; but I can't say where." Supposing you were now to send out a policeman and bring in the first cabman, and say to him, "Where were you on the night of the 9th of July?" he would say, no doubt, "I was out with my cab"; and, if required to be more definite, would refer to a book, or to his wife, and his customers, or write to his master. Then probably he would be able to find out exactly what he was doing. Now, Matthews appears to have written to his employer, and, having got the information, he was able to tell you precisely where he

was. He tells you that he was in the street, and at the Great Western station for some hours; that he was not lucky in getting a fare, went and ordered a joint of meat for his Sunday dinner, and went home about eleven or twelve o'clock. Then, again, Matthews is asked a good many questions about his own hats. He says he has got a good many, and I suppose he has, for cabmen are out more hours, in all sorts of weather, than most other men, and I never saw a cabman using an umbrella. It appears that he had made a mistake as to getting one of his own hats; but now he says he can tell all about his own hats if you wish it. These are the grounds on which you are asked to discredit the evidence of Matthews; but it is easy to see, gentlemen, what effect his evidence made upon your minds. Does any one who heard Matthews doubt that he got such a hat, gave it to Müller, and that Müller took it away? Then, again, Mrs. Matthews corroborates the transaction. My learned friend did not accuse her of being actuated by any hopes of reward, or desire of vengeance, or any other improper evidence. Now, what is the evidence of Matthews? Can there be any mistake about Matthews' evidence? Matthews says, that in pursuance of an agreement made with Müller, he went to Walker's, bought a hat, and gave that hat to Müller. Matthews recollects that Müller said, "Make it as like your hat as you can." So he had it turned up at the brim somewhat more than it was, with a view to making it more like his own, and Müller was very much pleased with it. My learned friend assumed that Matthews' hat was lined like Müller's. Gentlemen, it comes to this, that if this was not Müller's hat, the man who was in the railway carriage that night must have had Matthews' hat. Matthews said, however, that he purchased a hat for Müller, and he could not tell if the linings of both were alike. Solicitor-General

Serjeant Parry—The cabman stated that the lining of both hats was alike.

The Lord Chief Baron—I have nothing of that kind on my notes, and we must go by what is here.

Baron Martin—I do not know what was on the depositions before the coroner; but the last answer he gave in cross-examination here was that the lining of his hat was similar to that of Müller's hat.

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The Solicitor-General—That has escaped me. If that be so, it makes the case somewhat stronger than it was before. Just see the significance of it. If Mr. Walker is right in saying that this particular lining was only used in two hats, and the cabman's hat was the other hat, and the cabman had not parted with it, the murder must have been committed either by Müller or the cabman; but, if the cabman had parted with his hat, or it had become too bad for him and been discarded, and had been picked up by somebody else from a dusthole, probably then the supposition must be that the man who picked up or obtained the discarded hat was the murderer. And, further—and this is extremely important—if the other hat, the hat worn by Müller, was the cabman's cast-off hat, it would not fit Müller. It was too small for him, because, you recollect, he tried it on in Matthews' room, and found it would not fit.

Serjeant Parry—That is not proved.

The Solicitor-General—Yes; he said to the cabman—"You must get me a size larger." But the evidence of the cabman is corroborated by his wife, upon whom my learned friend casts no imputation. Then there is the evidence of Mrs. Repsch, who saw not only the hat, but the hatbox. She was asked whether Müller brought them there on a Sunday or not, and she said she thought he probably did on a Sunday. The evidence of the cabman is so far confirmed that, having said he gave the hat and the box to Müller, Müller brought them to Mrs. Repsch's. But the matter does not rest there. Müller actually speaks to Mrs. Repsch as to the circumstances under which he obtained the hat. He says Matthews gave it to him. The fact, however, appears that, instead of Matthews actually giving the hat to Müller, he received a waistcoat from Müller in exchange. The cabman is therefore corroborated in a most striking manner by Mrs. Repsch. But the case does not rest here, for there is a hatbox bearing the name of Messrs. Walker & Co., which was found in Müller's lodgings. Now, gentlemen, it appears to me impossible to overlook the importance of this hat in the case. If you are satisfied it was the hat of Müller, left by him that night in the railway carriage, no explanation or suggestion consistent with his innocence has been offered.

But, again, I have to repeat that this case does

not rest here. The murderer, whoever he was, in the confusion and hurry with which the crime was committed, left his own hat and took away Mr. Briggs's hat. Mr. Briggs's hat is gone; that is quite clear. If he had gone away without a hat he would have been noticed, and Mr. Briggs's hat would have been found upon the railway somewhere. The evidence is almost conclusive that the man who committed the murder went away with Mr. Briggs's hat. Now, has Mr. Briggs's hat been found or not? That is a question for your consideration. With respect to that other hat very striking evidence has been submitted to you. I have called the hatter, Mr. Digance, with whom Mr. Briggs alone dealt. Digance's name is found in that hat, but the evidence does not stop there. Mr. Digance tells you that a hat was ordered by Mr. Briggs of what is called the bell-crowned shape. This hat is of the bell-crowned shape; it is also of the size of Mr. Briggs's hats, and he recollects this circumstance, that it was somewhat too large, and a piece of silver tissue paper was placed between the lining and the hat. This paper has been taken away, but fragments of it are left. Now, this hat has been cut down. Why cut down? The first witness called by my learned friend with respect to the hat said it was not cut down as he would have cut it down, or as it was cut down in the trade. It was not gummed in the usual way, but merely pasted. The witness added that it was sewn somewhat as he would have sewn it; but, in reply to a question by a gentleman of the jury, he said the stitches were rather too close, or rather too far apart, I forget which, and not as he would have done them.

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Serjeant Parry—He said he would not have put in so many stitches.

The Solicitor-General—The hat was remarkably dealt with. The lining is cut down. No one produced before you says that a man cutting down a hat would cut down the lining. The hat is cut down, not, as has been represented hats are sometimes, to make them more fashionable, more saleable, hats being worn with somewhat lower crowns than formerly, because this hat is too low for the fashion. Why should Müller desire to cut down the hat? Had he a fancy for a low-crowned hat? If you believe the other hat was his, it was rather a high-crowned

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one, you will say what effect the evidence produces in your mind—whether you think the hat was cut down by a hatter in the ordinary course of business, or cut down by some person not accustomed to that kind of work, though knowing how to sew. You will couple that with the consideration that if it be Mr. Briggs's hat, and was not cut down, you would see Mr. Briggs's name inside the lining. Gentlemen, these are very striking circumstances indeed. It is not suggested by my learned friend that Müller had ever dealt with Mr. Digance. Not a question was asked of Mr. Digance on that subject. It is suggested that Müller might have got this hat second-hand from some one. From whom? His advocates have called several witnesses, but where is the man from whom Müller bought that hat, if he bought it of any one? Could Müller give no description of him? If in his statement before the magistrates, in America or in this country, he had said he had bought the hat in the docks, described the man, or given the remotest clue to him, why, of course, the Crown would have instituted every possible inquiry and endeavoured to find the man out, and they would not have put upon Müller the task of calling him as a witness. What is the account of the hat he gave in America? He says he had it twelve months, but he does not say from whom he got it, or give any information which would afford the slightest clue to the person he purchased it from. He had before said that he had bought it within two months.

This reminds me of a somewhat remarkable part of the case. Putting aside for the moment the direct testimony as to the identity of the hat, it appears that Müller was at Repsch's on the Saturday afternoon, and up to the time he left Mrs. Repsch had noticed no change in his dress or hat; but on Monday morning she and her husband noticed he had got a new hat. There must have been a considerable difference for them to notice it. Then a conversation followed. It was said—"You are very extravagant to get a new hat." He said he gave 14s. 6d. for it, and Mr. Repsch said it was a guinea hat. Now this is a very striking fact. The first thing on Monday morning he is seen with a new hat, a better one than his own, and it was not then noticed, as far as we know, that it was cut down.

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Gentlemen, that is the evidence as to the two hats. I now pass on; but, if you are satisfied with the propositions I have stated, that Müller left his hat in the carriage that night and took away Mr. Briggs's hat, probably you will not require further evidence on the part of the prosecution. Unfortunately, the evidence does not rest here. There is the watch, and there is the chain. Everything taken from Mr. Briggs that night is found on Müller. The chain is proved to be in his possession on the Monday morning after the murder. He goes and changes it for another. The watch, it is true, is not seen in England, but subsequently it is discovered in his box in America. Therefore he must have had it before he left England, unless it be suggested that he got it on the voyage, and I suppose that will hardly be done. My learned friend says that Müller was a vain, boastful man, fond of showing and boasting about his property—his watch, chain, or any trinket he had. If Müller had got the watch honestly would he not have boasted of and shown it to his friends—a handsome watch of that kind? Did he buy the watch and chain? Why, the lowest value of the watch and chain was about £10; the watch was originally worth £25. Haffa, a respectable man, who knew Müller, and naturally enough was anxious to say something in his favour, said he saw Müller before the murder with some money—he believed his passage money—but he did not count it. But Müller was in this condition just before he started for America, that he pawned his coat for 6s., and it was found that he had no overcoat on the voyage. Where was Müller to raise £10 for the watch or the watch and chain? If he had been able to raise £10, or even a half or a quarter of £10, would he not have taken his own watch and chain out of pawn? If he had a watch and chain in pawn, why should he get another? These are difficulties in the case which my learned friend has scarcely attempted to touch.

Now, these are the observations which I have to address to you upon what I may call the direct evidence of the case—the strong, direct, circumstantial evidence which, if entirely believed by you, amounts to almost positive proof. I proceed to make an observation or two on the probabilities of the case of my learned friend. I think you will see that my learned friend has failed to grapple with these strong facts. It was

Solicitor-General in vain for him to attempt to grapple with them. They are too strong for any advocate. But my learned friend has in a great measure endeavoured to divert your consideration from these great cardinal points to circumstances tending to show the improbability of Müller having intended to commit this crime. I have before observed that probabilities and improbabilities are worth consideration, but probability is worth nothing against fact. My learned friend attempted to show that it was highly improbable that Müller would commit this murder. I grant that it was highly improbable that he would commit it. It was highly improbable that any such murder would be committed. It was highly improbable that any man, or any number of men, should commit such a murder. If there is any occasion when a man may consider himself perfectly safe, it is when he is travelling in a first-class railway carriage in the metropolis. It is, as I observed in my opening speech, a most extraordinary murder, and there is no difficulty in showing that it is in the highest degree improbable that a man, or any number of men, should contemplate such a crime. But it was committed. What is the use of probabilities when you have a fact—when you have the body of Mr. Briggs, with the wound upon his skull, inflicted by a blunt instrument, and when you find that his watch and chain have been torn away from his body, and that his hat is not in the carriage? These are facts, and you must deal with them. My learned friend says I ought to explain clearly and precisely in what manner this murder was committed. He says I ought to propound some clear opinion as to the weapon with which the blows were struck. I said at the outset that I was unable to do so, and I entirely demur to the doctrine of my learned friend that I am bound to state what the identical weapon was. Murders are not committed in the presence of witnesses. Is it to be said that, if a man commits a murder, and it is not found out under what particular circumstances the blow was struck or with what instrument the murder was committed, the murderer must go unpunished? To say that would be to make a proclamation in favour of the guilty, and most fatal to the lives of the innocent. I said at first that I was unable to state with any certainty how the blows were

inflicted or what instrument was used; but this is beyond all doubt, that the blows were inflicted on the head of Mr. Briggs by some blunt instrument wielded with violence. The stick of Mr. Briggs will be placed in your hands, and you will be able to form an opinion whether that was the instrument employed. You are quite as capable of judging as I am, or any scientific man—probably more capable—whether that stick, wielded with violence by a young man of average strength, would or would not inflict those blows. I cannot tell how the blows were inflicted. They might have been inflicted by a life-preserver. My learned friend called attention to a certain pair of scissors found in the luggage of the prisoner. It is only fair and proper for me to say that there is no evidence that he had them in his possession on the night of Saturday, the 9th July. I believe no such suggestion was made. My learned friend says he was taken by surprise by the reference to the scissors. So was I. I had no knowledge that they were in his box. I repeat that I am not able to show by what instrument the wounds were caused; but I have shown that they were inflicted by a blunt instrument by some one in that carriage. Was the prisoner in that carriage or was he not? My learned friend having found fault with me for speculating how this murder was committed, he immediately proceeds to speculate on it himself. He suggests various theories, and he must forgive me for saying that upon this part of the case he has drawn to some extent upon his imagination. Solicitor-General

My learned friend spoke of Mr. Briggs as a very powerful man, and represented Müller as weak and feeble, and supposed that there had been a terrific struggle between them. Here my learned friend departed from his usual accuracy, for there was no evidence whatever of any struggle. The evidence is the other way. Mr. Briggs was a man of seventy years of age; he had been suffering from a severe illness, and he might or might not have been asleep in the carriage—it is impossible to say. Mr. Briggs was not a heavy man, being only between 11 and 12 stone in weight; and therefore all the declamation of my learned friend as to his being a powerful and heavy man is only the result of his imagination. As I have said, my learned friend

Solicitor-General represented Müller as a feeble man. He is twenty-four years of age. That is the time when the physical strength is most developed. There is no part of a man's life, I am afraid, when he is stronger than at twenty-four. Müller is not tall, he is not stout, but he is a well-formed young man in the prime of his youth. Is there not reason to suppose that he possesses a good deal of strength and is able to strike a heavy blow? What chance would an old man of seventy, lately an invalid, have against such a young man? Then, so far from there having been a struggle, there was no struggle at all. What is said about Mr. Briggs's dress? The only disorder in it spoken of is that his shirt-front was crumpled. That is accounted for by his chain being snatched from him or by his being pushed out of the carriage. If there had been a terrific struggle his coat would have been torn to shreds. There were no bruises on Mr. Briggs except on his head, and nothing on his person or his dress indicated wrestling or struggling. Probably the first blow by his antagonist—but I am wrong in using that term, for there was no antagonist—probably the first blow struck with some instrument—I don't know what—fractured his skull. What could Mr. Briggs do after that? He might have been dozing at the time, and totally unprepared, and four or five blows might have followed each other in as rapid succession as do the same number of words fall from me. Whether afterwards he was carried from one end of the carriage to the other, or whether the murderer or murderers took him up in their arms and carried him, or whether he had just sense enough left to move to the door himself, either to call the guard or to attempt to get out, I am unable to say. If he did get as far as the door himself, nothing could have been easier than to have pushed him out, and then you would have found scarcely any blood. It must have been a very quick transaction. There were only a few minutes to do it in, possibly not a minute and a half. Then, so far as a terrific struggle is concerned, my learned friend's observations have no weight.

My learned friend has represented this murder as having been committed by a gang of men determined to murder Mr. Briggs. Well, it might have been so. It is for you to say whether the evidence does

not point the other way. If it had been committed by a gang of men, would they have left four sovereigns in his pocket, the silver snuffbox, and the diamond ring on his finger? We can suppose that a gang of thieves, if they suspected that he left the bank with a large sum of money, might have followed him on this night from the bank to the railway; but it so happened that on this night he did not leave the bank for the railway, but dined with some relatives before he went home, and it is difficult to suppose that they could have got any information about that. And, if there were more than one party to the deed, the probability is that the spoil would be divided. But where is all the spoil? It is found in the possession of one man. These considerations do point to the conclusion, with almost certainty, that the murder was not committed by a gang of persons, but by one person, and there would be no difficulty in one person, tolerably strong and moderately active, overcoming and knocking down and robbing an old man like Mr. Briggs, and getting rid of his body or pushing him out if he moved to the door himself. Solicitor-General

I have said so much with respect to the probabilities to which my learned friend has referred. He has said that it was impossible for Müller to commit this crime, because, among other things, Mr. Briggs was a powerful man and Müller a weak man. I have shown there is no foundation for that argument. My learned friend has said that Müller could not have committed the crime because he had an injured foot, and had a slipper on. Upon that subject I refer to the evidence of Mrs. Repsch, who said that on the Saturday he brought two slippers, but took one away. She, however, said that he took away both his boots, and, if he left with one slipper on and one boot on, he had the other boot in his pocket. I don't think, however, that this matter amounts to much one way or the other. I will merely observe with regard to Müller's clothes: it appears, no doubt, that he wore a pair of black trousers on this day. It may or may not be that there was blood on the trousers of the man who committed the murder. It does not necessarily follow that there should be. If Mr. Briggs moved to the window and was pushed out, there would be little blood on the murderer.

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Müller appears to have worn the same clothes on the day and the day after, but Mrs. Repsch says that on the Monday his clothes were slightly different. On the other hand, it is to be said that the pair of trousers which Müller wore on the Saturday night in the railway carriage, if he were there, are not forthcoming. We don't know what has become of them. He is asked by Inspector Tanner, pointing to his luggage, if that is all of it, and he says, "That is all," all with the exception of a waistcoat which he had exchanged for a reticule. That waistcoat was afterwards found, and Müller does not say that he had any clothes which he disposed of on the voyage. Then there is this fact to be considered—I don't wish to attach more importance to it than it deserves—that the pair of trousers Müller wore that night in the railway carriage, if he were there, are not forthcoming, and no account is given of them. There is also a coat with a velvet collar which he had before he started which is not forthcoming. I have now said as much as I think necessary on the direct evidence against Müller and on the probabilities suggested by my learned friend, and I am sure I need scarcely repeat that probabilities are as nothing, or as little as possible, compared with positive facts.

Now, a few words on the defence my learned friend has set up on the part of Müller by the calling of witnesses. The first witness whom my learned friend called was Mr. Lee. Mr. Lee was examined before the coroner, but he was not examined before the magistrate by my learned friend Mr. Giffard, who then conducted the case for the Crown. I entirely approve of the conduct of Mr. Giffard in not having called Mr. Lee on that occasion, and I did not call Mr. Lee before you because I did not believe his evidence to be of a trustworthy character. I am bound to submit to the jury all the evidence which I think tends to lead to a correct conclusion, be it a conclusion in favour of the Crown or of the prisoner; but I do not deem it my duty to lay before them evidence which I do not deem trustworthy. The evidence of Mr. Lee was perhaps the most remarkable evidence that any one ever heard in a Court of justice. Mr. Lee represented himself as a friend of the unhappy man who was murdered, as on such intimate terms with him that he addressed him by his Christian name and called him

"Tom," and yet, according to Mr. Lee's own statement, though three or four minutes before Mr. Briggs was murdered, he saw two men in the carriage with him whom he can identify, he gave no information of the circumstance for some days! He gave no information to the police, and he further told you that, unless one of the policemen had come to him, he should not have given any information on the subject. And when asked why, he said because he thought it immaterial. Immaterial to give a description of two men who were in a railway carriage three or four minutes before a murder was committed in it! And then he said, "I thought it a bother to give information." He thought it a bother to give information respecting the murder of a man whom he represents as an intimate acquaintance! If such a witness had been called for the Crown I would not have believed a word he said; we should not have known whether it was true or whether it was false. It is extremely difficult to understand him. What is his account? He says he left his home about eight o'clock, that he strolled about, that he went to Bow for a change. He was asked if he had any business at Bow?—None. If he spoke to anybody at Bow?—No. "Did you go to any house?—Well, I went to a public-house; I had a pint of ale. Did you go to any other house?—I do not believe I did." And then he came back, having, he says, spoken to no one. It is a most extraordinary account. But the question arises, was Mr. Lee there at all that night? He says the train stopped an unusual time at Bow that night, but that when he saw the deceased he said, "Good-night, Tom"—a strange expression for him to use to a man whom it appears he did not know intimately, and whom he only knew from occasionally seeing him in the city. He says that he got into the next carriage, and that the train waited an unusual time at Bow that night. But, so far from the train waiting an unusual time that night at Bow, it appears that the train was late, that it had started late, and that it was hurried on. And what is the further evidence of Mr. Lee? He says that he got out at Hackney Wick. Now, according to his own account, he was in the next carriage to that in which Mr. Briggs was murdered, and it is proved that immediately after the train arrived blood was discovered in the carriage; that Mr. Jones and another gentlemen got into the carriage;

Solicitor-General

Solicitor-General

that the guard was called, and that he came with a light; that other persons got into the carriage; that they were turned out, and that the carriage was locked up. But not one word does Mr. Lee recollect of all this. If he had come into the box and had said, "Müller is the man whom I saw in the railway carriage with Mr. Briggs," I should not have felt justified, on the part of the Crown, in calling him. He says he cannot say whether Müller was the man. He says he can describe the persons; and how does he describe them? He says there were two men sitting with Mr. Briggs, that at the time he did not see well, but that one had dark whiskers, and that there was another man, a stoutish man, who had light whiskers. I will take the liberty of reading a statement which my learned friend Mr. Serjeant Parry read to you. My learned friend in his speech said—"Lee will say, 'I saw two men in the compartment, and I cannot say that Müller was one; that the man that was next to the deceased was a tall, thin man, and had whiskers, and I believe he had dark whiskers; and the other man who sat opposite to the deceased had light hair. I cannot tell the age.'" There was not one syllable about the other man having whiskers, or being a stout man, or being anything of the kind. Therefore Mr. Lee appears to have thought of these whiskers since he gave the information, for since Mr. Serjeant Parry was instructed he has put a pair of whiskers on the man's face which were not there before.

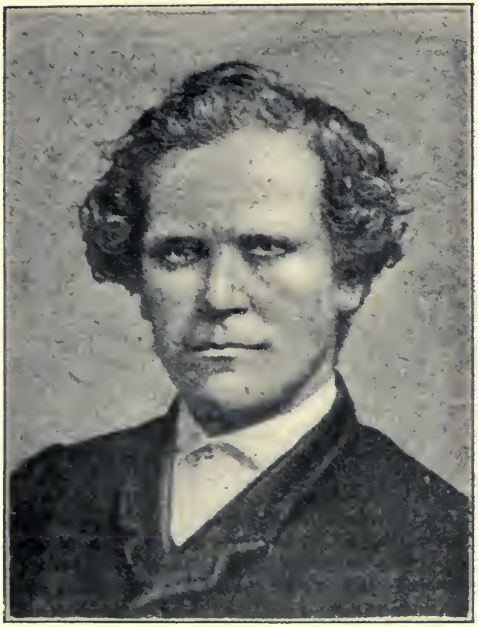
Now, gentlemen, I think I need not say another word about Mr. Lee. I think you will agree with me that my learned colleagues and myself have taken the right course in not bringing forward such a witness. And now, gentlemen, what is the next evidence? I do not think I need say more on the evidence as to the hats. I have commented upon that already. We next come to the alibi which my learned friend has been instructed to set up. Now, gentlemen, I must confess to some doubt as to the wisdom and the prudence of setting up that defence, for a more unsatisfactory and a more dangerous alibi was never set up in a Court of justice. Against the evidence which I have submitted to you on the part of the Crown, what is the evidence set up by the defence? The clock of a brothel, the keeper of the house, and the statement of one of the unfortunate women who reside in it. Gentlemen, in

most alibis there is a certain amount of truth. An altogether fictitious alibi one seldom meets. Usually the story is correct as to the main facts, but the day is altered—sometimes it is Monday, instead of the Monday week; sometimes the transaction spoken of occurs in the evening instead of in the morning, and there is generally a clock to go by. Now, let us see the nature of this alibi. Mrs. Jones or Mrs. Kent is called to say that Müller called at her house at nine o'clock on the night of the 9th July, and there is a good long story about a telegram, which Müller had nothing to do with, but it is used as fixing the time. It does not concern me on the part of the prosecution whether they are right or wrong in saying that Müller did call on that day (Saturday, the 9th of July), but, if he did call half an hour earlier than they say he did, it is a strong fact for the prosecution. The whole question of the alibi is reduced to a question of half an hour, and yet this old lady and this girl are called before you to speak to an occasion to which their attention was not called for a month or six weeks afterwards, to speak to the exact time—half-past nine. Can they do that? How could the old lady remember that Müller called at half-past nine o'clock exactly? It did not signify to her what hour he called; there was nothing to fix it in her recollection. Then comes in the clock—the alibi clock. She looked at the clock. Why should she look at the clock? Why, because Eldred (one of the unfortunate women) went out at nine. It is a singular fact that Eldred does not remember anything about the clock, but she says she went out at nine, because she always did go out at nine. But can they recollect anything else? If there be anything the old lady would remember it would be the arrival of a telegram. I do not suppose that telegrams are often sent to brothels; but she cannot tell the time within an hour or within half an hour that it arrived, nor can the girl tell when she received it, nor what time she got up that day; but she says she went out at nine o'clock. Do you suppose that the proceedings of that respectable and well-conducted establishment are regulated by clockwork? Why, it is preposterous. There is no reason for their fixing upon the clock. Why, if this girl had gone out a little before nine, and if Müller had called a little after nine, that would be quite consistent with the case for the prosecution.

Solicitor-General

Solicitor-General

What does old Mrs. Jones know as to whether Müller called half an hour before or after a certain time? She never thought of it till some German gentlemen and the attorney's clerk called upon her; and then they did not recollect anything about the telegram; they found that out since, and, as to their recollecting the precise hour or precise minute at which anything took place on that day, it is perfectly idle. Well, but we will just assume that there is a certain foundation of truth in what they say, that Müller was there a little before nine, or about nine o'clock. Müller is at Mrs. Repsch's at half-past seven or a quarter to eight. He left somewhere about that time, and he said to Haffa that he was going to see this girl. And it is said that he went out in one of his slippers. Suppose that to be so, and that he took the omnibus to Camberwell, and went to see this girl, what time did he arrive? He left Repsch's at a quarter before eight, and would arrive at this woman's house at Camberwell at half-past eight or a quarter to nine. He did not stay above a few minutes; there was nothing to stay for, because the girl was out. He goes back, and might take the omnibus that would carry him to London Bridge, and if he started about a quarter past nine, or somewhere about that time, he would arrive at King William Street just about the same time that Mr. Briggs would arrive there. The station to which Müller would go, in order to travel to where he lives, is the Hackney Wick station, sometimes called the Victoria station, and he would be going home by the same train in which Mr. Briggs was. Gentlemen, I cannot but think that this was a most dangerous alibi to set up. If I had known that Müller was at Camberwell, and that he left to go home at, I will not say half-past nine, but at nine o'clock, or a quarter to nine, I should, on the part of the Crown, have thought it proper to give you that information. Only suppose a mistake of half an hour by Mrs. Jones, and a mistake by the girl of half an hour, and you have Müller put in such a situation that he would probably arrive at Fenchurch Street station somewhere about the same time as Mr. Briggs. I submit that for the defence the alibi has totally failed, and that, by supposing the mistake of half an hour, it strengthens the case for the prosecution. I say nothing about the last witness, whom, I suppose, they did not rely upon. He merely said that some



Franz Muller

(From a Photograph taken by the New York Police).

time last summer a gentleman rode in his omnibus who wore a slipper, and that he was a stoutish gentleman, and leaned on his arm when he got down. Solicitor-General

Gentlemen, I have now arrived at the close of the observations which I have thought it right to make to you on the part of the prosecution, and without further comment I will leave the case in your hands, satisfied that you will perform your duty. If you see—I will not say any possible doubt, because it is not for us to speculate on remote possibilities—but if you think there is any reasonable doubt in the evidence that is laid before you, acquit him; but if the evidence in this case, circumstantial as it is, brings to your minds a clear and abiding conviction of the prisoner's guilt, I call on you to perform the duty you owe to society by pronouncing the prisoner guilty.

The Lord Chief Baron's Charge to the Jury.

The Lord Chief Baron commenced to sum up the case to the jury at twenty-five minutes past one o'clock. His lordship said—Gentlemen of the jury, the prisoner at the bar, Franz Müller, is indicted for the wilful murder of Mr. Briggs, and it is your duty, upon the evidence before you, to say whether or not you can find him guilty. I shall not think it necessary to enter upon some of the matters which have been alluded to with respect to the discussions and opinions. I think that fair statements—I abstain from saying discussions—of anything that occurs in this country, in which the people are interested, appear to be one of the benefits of the Press which one would not desire to see curtailed, and if you have read nothing but statements, and cannot therefore be prejudiced by discussion, I think you come to this inquiry of three days—I may say you come to the inquiry with your minds furnished with certain facts which are an essential part of the question, and I think you are better able to enter into the matter than if you had come here entire strangers to all the circumstances. It is my duty to present to you the facts as they are brought forward on the part of the prosecution and on the part of the defence, to state to you any point of law on which it is neces- Lord Chief Baron

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sary to give direction, and then to leave you to form your own judgment as to what are the opinions to be drawn from the facts that are sworn before you. There can be no doubt that Mr. Briggs on the evening or night of the 9th of July in this year was murdered. I know nothing, and can say nothing, of the manner in which that murder was done, but I apprehend that of the fact there can be no doubt. I shall presently state to you the circumstances as they appear to have occurred according to the evidence, and I shall leave it to you to form your own fair opinion, for the verdict is to be yours and not mine. I shall call your attention to certain parts of the case. I shall give you some general directions as to what I think you should do, and I shall leave you to form your own opinion.

It has been said, and said very truly, that this is a case of circumstantial evidence. I apprehend that circumstantial evidence means this—when the facts stated do not directly prove the actual crime, but lead to the conclusion that the prisoner committed the crime—and I believe I am right in saying that the majority of cases that are investigated in criminal Courts in this country are decided upon circumstantial evidence—it has been said that that evidence is better than direct evidence. In one sense that may be true; in another sense it is not true. If you have the testimony of witnesses of undoubted character who saw the crime committed, why, then, you can hardly have better evidence than that—the direct evidence of some persons who saw the fact and can depose to the crime as having been committed; but, undoubtedly, where there be any doubt about the veracity or honour of the witnesses, indirect evidence, coming from different distances and remote quarters, and all tending to the same end, has a force and effect beyond the testimony of more direct evidence. For direct evidence may be mistaken in various ways. There may be an error about the person. The witness may say, "I saw him do it, or a person like him." He may give a character to the commission of a crime which really does not belong to it; but indirect testimony from a number of facts, supposing that you believe them—if that is the case, and they all concur to the same point, they are free from the objection that there has been either perjury, or omission, or misstatement. There is another matter upon which I wish, before I go into the case, to address you, and that is upon the

degree of certainty with which you ought to give your verdict. I collected from my brother Parry's address that he suggested to you that you ought not to pronounce a verdict of guilty unless you were so satisfied of the guilt of the prisoner as if you had seen him do the act, and you yourselves, too, witnessed the completion of it. Gentlemen, I think that is not the certainty which is required of you to discharge your duty on the oath you have taken, to the country to which you belong, or to the prisoner, whose safety is in your power. I have heard the late Lord Tenterden frequently lay down a rule, which I will pronounce to you in his own language—"It is not necessary that you should have a certainty, which does not belong to any human transaction; it is only necessary that you should have that certainty with which you transact your own most important concerns in life." No doubt the question before you to-day, involving as it does the life of the prisoner at the bar, must be deemed to be of the highest importance; but you are requested to have only that degree of certainty with which you can decide upon and conclude your own most important transactions. Gentlemen, our care should be to prevent the commission of crime, which it is the object of criminal Courts to do. The learned counsel, brother Parry, has referred to a common axiom in which there is no doubt some degree of truth, and that is, that it is better that a great many guilty persons should escape than that one innocent man should suffer. Now, gentlemen, it is impossible to deny that the history of our criminal Courts, and I believe that of all criminal Courts, will afford instances where innocent persons have been classed with the guilty, and have been found guilty, and have suffered by it. But, gentlemen, to make a comparison between convicting the innocent man and acquitting the guilty is perfectly unwarranted. There is no comparison between them. Each of them is a great misfortune to the country and discreditable to the administration of justice. The only rule that can be laid down is, that in the question of a criminal trial you should exert your utmost vigilance, and take care that if the man be innocent he should be acquitted, and that if guilty he should be convicted.

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Now, gentlemen, I think the mode to investigate this case on your part should be this. Take the facts

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that are proved before you, separate those which you believe from those which you do not believe; take those you are satisfied you can rely upon, and the conclusions which naturally and almost necessarily result from those facts are to be acted upon as much as facts themselves; and whatever may be the conclusion they may lead you to—whatever, on the one side or on the other, that conclusion may be—I think you may rely upon it as a safe and just one. The case on the part of the prosecution is the story of the death of Mr. Briggs, told by the different witnesses, who unfolded the circumstances one after the other according to their occurrence, leading to the gradual discovery of some apparent connection between the property which was lost and the possession of it by the prisoner at the bar. The case on the part of the prisoner I collect to be threefold. In the first place, my brother Parry said, "You have not satisfactorily made out the guilt of the prisoner. There are links wanting in your chain. Some of the links are broken or imperfect. You have substituted imagination for fact, and of these there is no certainty." So I understood brother Parry to say the prisoner would be entitled to your verdict of not guilty. That issue, no doubt, requires your special attention, because it is very much upon that the trial is to be determined. There can be no doubt if the case on the part of the prosecution does not bring home to your minds a satisfactory conclusion, upon which you can only say that, acting upon your own minds, you believe the prisoner guilty, the prisoner is entitled to be found not guilty. The next point in the defence was this, that the prisoner was unable, that he was not of stature and strength competent to the task that apparently was performed. That, no doubt, if the prisoner at the bar were a young man under age and possessed of no strength, would be an argument in his favour. If you think he was incompetent, if you think that he could not have done that which is imputed to him, of course, if he could not have done it, then he is entitled to be found not guilty. The third line of the defence is an alibi. That requires a word from me before I proceed to the particular facts of the case.

Upon the whole case for the prosecution, if you entertain any reasonable doubt, if you cannot come to a

satisfactory conclusion, the prisoner is entitled to the benefit of that doubt. If you do come to a satisfactory conclusion upon the case for the prosecution you are then met by an alibi, and I think the alibi is then to be weighed in the scale against the case for the prosecution. To explain precisely what I wish to show—if you entertain any serious doubt on the case for the prosecution you must acquit the prisoner. On the other hand, the case for the prosecution and the alibi must be thrown into the same scale. Where an alibi is proposed and there is some doubt, it then becomes your province and duty to examine the alibi, and to decide between the prosecution and the alibi. All the facts brought before you on the part of the Solicitor-General form the case for the prosecution, and ought to be weighed duly. The facts brought in support of the alibi should be weighed with the case for the prosecution, and you will say which you believe. It is a case where both cannot be true, and it is for you to decide to which the truth belongs. Now, gentlemen, having stated to the jury what I consider to be the case on the part of the prosecution, and the case on the part of the defence, I think it right to draw your attention to the facts themselves. **Lord Chief Baron**

Gentlemen, it appears that Mr. Briggs left London on the 9th of July (Saturday). After having dined with his niece's husband, Mr. Buchan, he proceeded by an omnibus to some place near London Bridge, where he got out and went to a train at Fenchurch Street station to take him through Bow to Hackney, or Hackney Wick, as it is called. A Mr. Lee said he saw him there. There is no doubt that Mr. Briggs left Fenchurch Street and was murdered before he reached Hackney Wick, and, as it is highly improbable that he was murdered between Fenchurch Street and Bow, you may easily believe that he was at the latter place. Whether he was there with another person or not I will not say. Lee, who was there, and did not consider it his duty to make a statement respecting what he saw, is, I think, scarcely in that frame of mind which is deserving of approbation. If, indeed, the prosecution had known what Lee had to say in examination and cross-examination, I am not surprised that they did not call him, and they did quite right not to call him. Mr. Briggs was there. Mr. Briggs did not arrive at Hackney

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Wick. The carriage that went from Fenchurch Street to Hackney Wick was taken back without being turned round. That accounts in part for what appears on the depositions and in the evidence before the coroner, for what on going down was the near side would in returning be the offside, and the offside would be the near side. Mr. Briggs was found about one-third of the distance from Hackney Wick. His body had in some way been removed from the carriage to the six-foot way, and there he was found, with his head towards Hackney Wick and his feet towards London. Gentlemen, I think it right that some of you may have remarked the circumstance as well as myself. The head pointed towards Hackney Wick. The consequence of that is that his feet must have touched the ground first. If a man were thrown out head foremost, and his head touched the ground, his body would go forward with the velocity of the carriage, and his head would be towards London and his feet towards Hackney Wick. On the other hand, if he were put out by force, or if he jumped out and alighted on his feet, the effect would be that of stopping his feet, his body would go with the velocity, and his head would be smashed. This makes no difference in the charge against whoever it was that committed the murder, for it is plain that before the body was removed in any way, either by himself or by the murderer, he had received several desperate wounds. According to the medical evidence, there was one fracture, and I think it right to say that, in point of law, whether Mr. Briggs had been struck and then stunned by the blow, so as to be unable to call out, or believing that he might be got to the door of the carriage and then driven out by force, or the fear produced by the violent action of the person menacing him, it would be equally murder, because his death would be caused by his getting out and then receiving that violent wound. Mr. Briggs was examined that evening, the carriage was examined that evening, and there were the articles which Mr. Briggs had lost. The only alteration with respect to that property was that the watch and chain were gone. That some struggle had taken place in the carriage was evident from the fact that a link of the chain was found pressed down in the carriage. The hat he wore was gone, and another hat was left in its place. For some days nothing

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was known about it, but, according to the evidence, Mr. Death was applied to on the following Thursday, and was asked if he had exchanged a chain. Mr. Death said "Yes," and he gave in exchange for it another chain (the one produced) and a signet ring. At that time it was also discovered that there was some question about the hat. Every effort was made to discover the person who was connected with the transaction, and, when it was discovered to be the hat of the prisoner at the bar, officers were sent out to anticipate his arrival in America. On their arrival his box was searched, and the watch was found in his box. In that box also was found a hat, and when that hat was brought back to this country every inquiry was made respecting it. It was said the hat was not the hat of Mr. Briggs—that it could not be; it was 1 inch or 1½ inches too short. When it came to be examined it was found to be cut down. Then came the question with respect to the watch and chain and hat Mr. Briggs wore, and the hat supposed to be the prisoner's. Gentlemen, there is no evidence whatever to show you whether that is the hat Mr. Briggs wore on that day or not. It is for you to consider how far the evidence will show you that was Mr. Briggs' hat. Now, gentlemen, the facts of the history of this case, though appearing to be many, are in reality very few—the watch, the chain, and the hat Mr. Briggs lost that night. A hat was found in the carriage in the place of Mr. Briggs's hat. These are the three matters which constitute the case for the prosecution. Gentlemen, these are three links of the same chain; but do not make the mistake which it appears to me Serjeant Parry is rather inclined to lead you into, that, if there is one link of that chain broken, you have got rid of the prosecution. There are three separate and distinct links, having each of them a separate history, and a failure on the part of one does not in the slightest degree affect the position of each of the others. For instance, if there had been no trace whatever of either of the hats, if the hat alleged to be the hat of Mr. Briggs had not been found in the box, that does not at all diminish the evidence of the watch and chain. They all stand on separate and distinct grounds apart from each other, and if one of them is made out to your satisfaction, that is, if the result of the evidence satisfies you that the prisoner at

Lord Chief Baron the bar was on the Monday morning in possession of the watch and chain, then you are to see whether he has given a true account, or—for this is the question—has he given a satisfactory account? Now, with respect to the watch and chain, the evidence seems to be this: on Monday morning, about ten o'clock, he exchanged the chain for a chain which he took from Mr. Death, the jeweller. That chain he pawned on the Wednesday. But then you say, what became of the watch? Why, when he was apprehended off New York he had the watch in his box; it was found there. He said it was his watch, and he had had it two years. It will be for you to say whether that is evidence to induce you to believe that both the watch and chain were in his possession. How did they come into his possession? Gentlemen, I shall presently ask that question, and call the attention of my brother Parry to the way in which I understood that he put it, because I am desirous that there should be no mistake, and I am desirous not to speak in ambiguous or doubtful language, but to express myself with perfect plainness, and, if I am wrong, I shall be glad to be corrected. You will have to ask yourselves whether the prisoner had the watch and chain on the Monday morning. The evidence is that he separated them if he had them, that he took the chain to Mr. Death, that he there had it valued at £3 10s., that he declined to take a chain of the value of £3 15s., which would require him to pay 5s., and that he took a chain of the value of £3 5s., and took a ring instead of the 5s. Here, as I must again say to you, it is for you to say whether you believe that part of the case or not. Unless you believe it, you ought not to convict the prisoner; if you believe it, I think you ought to act upon it. When he had got the chain he went to the house of a friend, and, showing it, spoke of it, and mentioned what he had given for it, and said he had bought it at the docks. There is no evidence that he said anything to anybody about the watch—none. He gave different accounts of the way he got them. He described himself as buying the ring along with the chain. He stated to one person that he had the ring sent to him by his father; and in America, when he was questioned about the ring, he said he had bought it at a shop in Cheapside, very probably meaning that he got it at Mr. Death's. Gentlemen, you will

have to consider whether you see what is the reasonable conclusion to be drawn. He never has said on any occasion that he bought the watch and chain at the docks. Lord Chief Baron

Serjeant Parry—Will your lordship pardon me? Mr. Tanner said in evidence that in America his counsel stated that.

The Lord Chief Baron—Oh, his counsel.

The Solicitor-General—His counsel suggested it.

Serjeant Parry—No, his counsel made that statement.

The Lord Chief Baron—What he said in America was that he had the watch two years, and the statement of his counsel, as given by Mr. Tanner here, amounts to no evidence. The statement here in London was that he bought the chain, and he said nothing about the watch. I think it my duty to point these matters out to you. I come now to the question as to which I want to call the attention of my brother Parry. My brother Parry suggests that there is no evidence that he did not tell anybody in Americ a that he bought the watch at the docks.

Baron Martin (referring to his notes)—Inspector Tanner says, "I did not hear him say he had purchased the watch and chain at the docks. His counsel suggested that before the magistrates at New York."

The Lord Chief Baron—I want to call the attention of brother Parry to the matter, in order that I may be correct as to what he said. What I understood my brother Parry to state was this—that he bought the watch and chain at the docks, and that he was quite aware that a transaction of that sort could not be perfectly right. I understood my brother Parry to say that every false statement the prisoner makes in reference to that matter might be explained by his consciousness that he was doing wrong. I call brother Parry's attention to it in order that we may understand distinctly what was intended to be conveyed to your minds, viz., that, instead of committing the murder on Saturday, he bought on Monday morning at the docks the watch and chain. That is his account of it. Sunday is not a day for regular business, but for the transfer of property obtained by robbery or other

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illegal means, that is as good as any other day. Property taken illegally on Saturday and sold on Monday morning is not so likely a transaction as one of honest dealing, in which Monday morning is the same to Saturday night as Tuesday morning is to Monday. It is for you to consider how far that is an apology for being in possession of these things, because he was aware there was something wrong about his having bought them; he therefore gave excuses and made awkward statements about them. That is not the only thing. The remarkable matter about this case is that every part of the change of property—the loss of the watch and chain and the hat of Mr. Briggs, and the hat left in the railway carriage by somebody, points with a certain degree of strength more or less to the prisoner at the bar. Now, gentlemen, you have to consider the question as to the hat. The hat is proved to be Mr. Briggs's to such an extent that my learned brother Parry did not deny that it probably was the hat.

Serjeant Parry—I admitted that it was a hat sold by Mr. Digance, but never that it was Mr. Briggs's.

The Lord Chief Baron—My brother Parry does not admit anything. No man can admit anything in a case like this; but the hatter who made it said, "I made it for Mr. Digance," and Mr. Digance says, "I recognise this hat, as far as I can, as having been made for Mr. Briggs." He speaks of it in every respect as the hat. He says it had been cut down, and in a manner in which no hatter would have cut it down, and then he points out the peculiarity, which I do not think it necessary to dwell upon. The hat, on being examined, turns out to have been sewed in a manner which is said not to be the practice of regular hatters, and apparently not the practice of second-hand hatters. I do not think it necessary to call your attention to the evidence of the two hatters; they both of them said they should not have altered a hat in that way. It is for you to say whether, on the whole of the evidence, it is or is not made out to your satisfaction that that was the hat of Mr. Briggs. A remark was made by the Solicitor-General which is of some force, that the prisoner at the bar has had, and one is very glad that he has had, the protection of a patriotic society

established for the protection of their countrymen, and that no expense has been spared by them to get all the information that could be obtained. It is for you to consider whether half the industry and diligence which has resulted in the production of those old hats that we saw—I forget now how many there were—it is for you to consider whether, if that diligence had been applied in finding out where the prisoner bought this hat, which was bought certainly, according to his own account, not more than a month from the date of the murder—whether half that diligence would not have found out the very man who sold it to him, if anybody did sell it, and the very man who altered it, if, in fact, anybody did alter it but himself. On that question you will have to decide, but it is a point in the case that appears to me to be worthy of your consideration. Lord Chief Baron

Serjeant Parry—I beg pardon; but Mr. Digance said, at the close of his evidence, "I will not swear that this is the hat I sold to Mr. Briggs."

The Lord Chief Baron—I dare say; but the question is whether he believes that it was, and whether he furnished you with sufficient material for you to believe that it was. A man will not swear positively to a thing, but the question is, does Mr. Digance speak with certainty, the certainty that you have that I am speaking to you now? He cannot be certain in that extreme sense. Well, then, gentlemen, you will say how far the history of the hat leads you—whether it leads you to the conclusion that the hat which was found in the box belonging to the prisoner at the bar was the hat of Mr. Briggs. Then, with regard to the said hat that was found in the railway carriage, undoubtedly it was some surprise to all who are acquainted with the proceedings in criminal Courts that evidence of such a character could be produced. It was stated that that pattern of lining was not put into more than three or four hats, and Mr. Walker himself said, "I got a number of samples from France, and there were only one or two of these, and certainly not more than two or three of the hats that I have made that had this particular lining." Now, gentlemen, it is for you to say what is the conclusion you draw from this Mrs. Repsch said it had a remarkable lining,

Lord Chief Baron and that she never saw any other hat with the same kind of lining. Well, then, when these different points of the case lead one with each other to the same conclusion, it is for you to say how far the union of more than one gives strength to that conclusion, how far it is better if several of them unite together in a conclusion, even though not so perfect, and lead to a result more certain on the whole. There is a case which, I think, will illustrate what I mean. It is to be found in Mr. Starkie's book on Evidence. A gentleman was robbed of his purse in a crowd. He gave information to the police, and a man was apprehended, and a purse corresponding was found upon him. The prosecutor was asked whether he could swear to any of the pieces of money which were discovered in the purse. He said he was convinced it was the same. Why? Because he said it contained five or six separate, distinct pieces of money, and, though he could not swear to any particular piece, one of which was a seven-shilling piece, he said that he could swear his purse contained a half-crown, a seven-shilling piece, and so enumerated the several pieces. It was not likely that anybody else had a purse exactly like it. You yourselves will see the value of that sort of identity—not by identifying each, but by identifying the whole. This man said, "I cannot identify each separate piece of money, but I can identify the whole, and my impression is that it is my property." That will prove what I mean by a part of a case leading to one conclusion, by another part of the case, though imperfect, yet leading to the same conclusion, and strengthening it; by a third leading to the same conclusion, although it is not perfectly made out, but still it adds strength to the general case which is involved in a comparison of these different acts. Gentlemen, that is the true value of circumstantial evidence. If you believe the facts to lead to a conclusion, I think you are bound to go on with that conclusion to the end. I shall not trouble you further upon the hat that was found in the prisoner's box or the watch or chain. With respect to the evidence for the defence, I will not make any remarks on Mr. Lee's testimony. If you believe from the appearance of the prisoner that he could not do it you will say so. It is said that he was lame that night, but it is quite plain from the

evidence that on the Sunday he was walking from six to nine o'clock with his friends. If you believe that he was incapable of doing it, of course, he did not, and, of course, he is entitled to your verdict. Now I come to the alibi. That is entirely a matter for your consideration, and I shall say very little upon it. The evidence of Mary Ann Eldred—whom it is impossible to see here without some compassion for the situation of life which she is in—consists certainly very much more in saying what she cannot recollect rather than what she can recollect. But certainly she stated that she went out at nine o'clock, and that Müller called at half-past nine o'clock. That is what she said, and that she knew that he was going to America. He asked her to go with him, and said if she did not that he would return in six months. I think it is fair to say that his going to America was perfectly well known. Then there is the evidence of Mrs. Jones; and, respecting her husband, I think a man who is living on the profits of such a calling as that pursued by his wife is about the most infamous of mankind. How far the wife is some shades better than her husband is for you to judge. Her evidence is for you to judge. According to the case for the prosecution, the prisoner, between seven and eight o'clock, was at Repsch's, and left there, taking his boots with him, and saying he was going to Camberwell. There was plenty of time for him to have gone to Camberwell and to have returned, though not in the same omnibus as Mr. Briggs. **Lord Chief Baron**

Serjeant Parry—Not the same.

The Chief Baron—But he might have returned to his home. These, I think, are nearly all the circumstances it is necessary for me to call your attention to. If you wish the whole of the evidence to be read over to you I will do so.

The jury consulted for a moment, and the foreman said, "It is not requisite."

The Chief Baron—Or any part of it?

The jury again consulted for a moment, and the foreman said, "No, my lord, it is not requisite."

The Chief Baron—I think that it is the more unnecessary that I should do so, because you have had two able and

Lord Chief Baron

elaborate addresses from the two sides, and I have no doubt that during the whole course of the investigation you have paid considerable attention to the different evidence—some of which evidence emanated from questions put by the jury of considerable importance. And now, gentlemen, I have endeavoured to discharge my duties; it remains for you to discharge yours. I must again tell you that the verdict is to be yours. It is for you to decide the great and important question. If I have in any part of my address to you intimated any opinion, I have desired not to express any. I have called your attention to circumstances which I think you ought to consider. As far as I could, I endeavoured to avoid the expression of my opinion, for it is not for me to decide. It is for you to deliberate and decide according to the best of your judgment. If you have collected any opinion of any sort from what may have fallen from me—unless so far as it goes entirely with your deliberate opinion—treat it as if I had said nothing of the sort. The verdict is yours. The law and the constitution have given to twelve men, sworn to act according to evidence, to find a verdict of guilty or not guilty. In deliberating on that verdict I doubt not that you will act with impartiality and candour. You will remember the duty which you owe to the prisoner—to believe him innocent until proved to be guilty; but you will at the same time not forget the duty which you owe to the country and to society at large. If the evidence leads you to a conclusion of guilty, you will fearlessly act upon that evidence. You will act according to your consciences, and give that verdict which you believe to be just; and may the God of all truth guide your judgment and conscience to the verdict which may be satisfactory according to the truth and justice of the case.

The Clerk of Arraigns—Gentlemen of the jury, please to consider your verdict.

The jury signified that they wished to retire.

The proper officer of the Court was accordingly directed to take them in charge to an adjoining room.

At three o'clock the jury returned into Court, having been absent fifteen minutes.

Mr. Baron Martin

(From a Painting by Sir Francis Grant, P.R.A., in the possession of Lord Macnaghten).

The Sentence.

The jury stood up to answer to their names. The foreman (Mr. Isaac Moore) and the others having duly answered to the call,

The Clerk of Arraigns said—Gentlemen, are you agreed upon your verdict?

The Foreman—We are.

The Clerk of Arraigns—How do you find the prisoner at the bar—guilty or not guilty of the murder with which he is charged?

The Foreman—Guilty.

The Clerk of Arraigns—That is the verdict of you all?

The Foreman—Yes.

Mr. Baron Martin here entered the Court.

The Clerk of Arraigns—Prisoner at the bar, you have been convicted of the crime of wilful murder. Have you anything to say why judgment of dying should not be given?

The prisoner did not reply.

The Crier of the Court—Oyez, oyez, oyez! My lords the Queen's justices do strictly charge and command that all persons do keep silence while sentence of death is passing upon the prisoner at the bar, upon pain of imprisonment.

Mr. Baron Martin

Mr. Baron Martin, who had meanwhile put upon his head the black cap, then passed sentence. Franz Müller, you have been found guilty by the jury of the wilful murder of Mr. Briggs. It is no part of our duty to express generally any opinion with respect to the verdict of the jury. It is their province to decide upon your guilt or innocence. But it is usual with judges to state, in passing sentence, if they entirely concur in that verdict, and they do so for two reasons. It is satisfactory to know if the opinions of the judges concur with that of the jury; and I am authorised by the Chief Baron to state—and I state on my own behalf—that we are perfectly satisfied with that verdict. If I had been one of the jury I should have concurred in it; and I state so, for the second reason, in order to remove entirely from your mind the possibility that you will live in this world much longer. Within

Mr. Baron Martin

a short period you will be removed from it by a violent death; and I therefore beseech you to avail yourself of what, I have no doubt, will be offered to you, the means, as far as possible, of making your peace with your Maker, and of preparing to meet the fate which will very shortly happen to you. I forbear from going into the particulars of the case, but there are a variety of circumstances in which, if the evidence had been gone into more minutely, would have more and more tended to establish your guilt. The history of you during that day is not difficult to judge. You left the house of Mrs. Blyth about eleven o'clock. You remained at the house of Mrs. Repsch until seven or eight, or nearly eight o'clock. You stated your intention of going to see a young woman. You went there, and it is obvious that your account of your time is to show us that one hour and a half were consumed in going to this house, and it may be that Mrs. Jones was telling the truth when she supposed that you were at her house at half-past nine o'clock that night. I am perfectly satisfied that you were there much earlier, that she is in error in thinking you were there so late, and that you came from this place, and were probably tempted by seeing Mr. Briggs exhibiting the watch and chain; and there are other circumstances strongly tending to the same conclusion, as seen from your history during the few days of the following week respecting the money. You exchanged the chain of Mr. Briggs for one that you got from Mr. Death, and you immediately proceeded to pledge that to raise a sum of money upon it. Having raised it, you proceeded to take out of pledge your own watch and your own chain. Having them in your possession, you proceeded to pledge them and get the money with which, no doubt, you paid your passage to America. I have little doubt that this is the history of the case—that, moved by the devil, and for the purpose of getting the money to go to America—where it is evident you intended to go—you robbed Mr. Briggs of his watch and chain. I wish to remove from your mind any hope of an alteration of the sentence. After listening to all the evidence which has been adduced, I feel no more doubt that you committed this murder than I do with reference to the occurrence of any other event of which I am certain, but which I did not see with my own eyes. It only remains

for me to pass upon you the sentence of the law—which is not the sentence of the Chief Baron or myself—for the crime of wilful murder of which you have been convicted. It is that you be taken from here to the prison from whence you came, that from thence you be taken to a place of execution, that there you be hanged by the neck till your body be dead; that your body when dead be taken down, and that it be buried within the precincts of the prison where you were last confined. And may God have mercy upon your soul. Mr. Baron Martin

Mr. Jonas said that the prisoner had asked whether he might be allowed to speak.

The Chief Baron said "Yes."

The Prisoner—I am perfectly satisfied with my judges and with the jury, but I have been convicted on false evidence, and not a true statement. If the sentence is carried out I shall die innocent.

The prisoner was then removed, and the Court adjourned.

APPENDICES.

APPENDIX I.

Extradition Proceedings at New York.

(*Daily Telegraph*, Monday, September 5, 1864.)

The German National Verein and Franz Muller.

A meeting of the London branch of the German National Verein took place on Saturday, under the presidency of Dr. Gottfried Kinkel, at Seydr's Hotel, Finsbury Square, when the committee for affording legal assistance to Germans in need, who in this country may not be able to obtain it from the authorised representative of their respective Governments, brought up their report. The committee stated that, in compliance with the expressed wish of the National Verein, they were using all means in their power to aid the legal authorities in clearing up the mystery as to the guilt or innocence of Franz Müller respecting the murder of Mr. Briggs.

September 6, 1864.

America.

Arrest of Müller.

The following telegram was received at Mr. Reuter's office this (Tuesday) morning:—

(*Via* Greenock.)

New York, Aug. 26 (Evening).

The "Victoria" has arrived at New York, and Müller has been arrested. The hat and watch of Mr. Briggs were found in his possession.

Müller protested his innocence, and the legal proceedings in reference to his extradition are progressing.

Franz Muller.

8/9/1864.

The Arrest of Müller.

New York journals to the 27th ult., per the "City of Baltimore," containing details of the examination of Müller before the New York police authorities, will not reach London till a late hour this (Thursday) morning. Up to last night the Chief Commissioner of Police at Scotland Yard had not received any communication from the detective officers sent out to apprehend Müller. In the course of the day, however, letters are expected.

12th, 1864.

Extradition of Müller.

New York, Aug. 30 (Evening).

On the 27th inst. the hearing of the extradition case of Müller was resumed before the U.S. Commissioner Newton.

The British Government was represented by Mr. F. F. Marbury, as on the previous day, while Messrs. Chauncey Schaffer and E. Blankman appeared for the prisoner.

The Court was thronged with spectators anxious to obtain a view of the accused, who sat with an unmoved countenance.

Mr. Blankman, on behalf of Müller, applied for an adjournment, to give time to prepare for the defence.

Mr. Marbury, for the British Government, opposed the adjournment.

Mr. Blankman briefly responded, urging the motion for a brief adjournment.

Mr. Schaffer followed for the defence, and maintained that as yet there was nothing to justify the committal. The accused, being a foreigner, he contended that the treaty under which the extradition was demanded had been suspended, and he also adverted to the "Florida" as being a pirate sent out by English subjects.

Inspector Tanner having been re-examined as to the height of the prisoner, Mr. Schaffer endeavoured to show that Müller could not be one of the two men seen in the compartment with Mr. Briggs on the night of the murder.

Commissioner Newton then delivered his decision, stating that, under the circumstances, he was constrained to grant a certificate, and commit the prisoner, being satisfied as to his guilt.

Appendix I.

13/9/64.

(From the *New York Herald.*)

The following detailed report of the last day's proceedings in the case of Müller is from the *New York Herald* of August 28 :—

The hearing in the extradition case of Franz Müller, charged with the murder of Mr. Thomas Briggs, near Hackney, London, on the 9th July last, was resumed yesterday morning before Commissioner Newton. The British Government, through its consul at this port, was represented by Mr. F. F. Marbury; the accused by his assigned counsel, Messrs. Chauncey Schaffer and Edmond Blankman.

The examination took place in the United States District Court-room, which was thronged with persons who evinced the greatest interest in the proceedings, and who anxiously sought for a view of the accused. The latter sat beside his counsel with an unmoved countenance and a calm demeanour, apparently the most uninterested and unaffected person in the densely crowded Court.

Mr. Blankman said that, as the prosecution had closed their case yesterday, having had everything in preparation for submitting it to the Court, it devolved upon him to make a few remarks in urging upon the Court an application for an adjournment, to give the counsel assigned for the accused an opportunity to read over the testimony and to agree upon the proper line of defence. There was, however, much to urge preparatory to entering upon that stage of the proceedings. The warrant issued for the apprehension of Müller set forth that " on the 9th July instant, he (Müller) did feloniously, wilfully, and of malice aforethought, kill and murder one Thomas Briggs." If a case of murder had been made out in accordance with the statutes of Great Britain and the law of this land, the duty of the Court was certainly to be a plain one, but if to the mind of the Court there did not appear to be (as it did not appear to him) legal evidence of murder having been committed, then the case did not come within the treaty of 1842, and there was no ground whatever for the apprehension and commitment of the accused. If the case even be one of manslaughter, it would not come within that treaty. Whatever view might be taken of the case, it would be but an act of simple justice to allow counsel for the defence an opportunity to examine the testimony adduced against their unfortunate client. He therefore moved that the further hearing of the case be adjourned in order to give counsel time to prepare their defence.

Mr. Marbury, on the part of the British Government, opposed the motion for adjournment. On the day of the

prisoner's arrest Mr. Beehe had been assigned by the Court counsel for the accused. That gentleman had accepted the task, and had an interview with the prisoner, and it was expected that he (Mr. Beehe) would have been present to defend him on the day fixed for the examination. The depositions in the case had been handed to the two able counsel subsequently (in consequence of the absence of Mr. Beehe) assigned for the defence, and those gentlemen were present yesterday when the testimony of the witnesses was given. This inquiry was a preliminary one. The Commissioner was sitting in the capacity of an ordinary committing magistrate, not for the purpose of saying whether this man was absolutely guilty or not, but whether there was a sufficient degree of suspicion of criminality against him to justify his commitment for trial, supposing the offence charged had been committed here. In other words, supposing, instead of Mr. Briggs having been murdered between Bow and Hackney, he had been murdered between Twenty-seventh Street and Harlem, under precisely similar circumstances as appear in this case, the question would then be whether the evidence that has been presented would justify the commitment of the accused for trial in the ordinary way, and according to the due course and progress of law. He (Mr. Marbury) would extremely dislike to do anything bearing even the appearance of a desire to withhold from the unfortunate man any privilege or right which belonged to him; but it seemed to him that the request made by counsel was not a reasonable one. The whole facts lay within an exceedingly narrow compass, and from the reading of the depositions, and from testimony adduced yesterday, the general conclusion arrived at must be that, whatever the ultimate fate of the man may be, whatever the result of the more formal and legal investigation, enough has appeared and transpired here to justify his commitment. What follows? He is committed for trial; he is sent to the scene of the murder, to the place where he can find and produce witnesses who will state all the circumstances of exculpation that can be found. A great and appalling crime has been committed, and circumstances of great weight and moment connected the accused with the commission of that crime. Necessarily the case must undergo an investigation, and it is not depriving the prisoner of the right to the fullest and amplest defence secured to him by the common law of England, and by the practice of English jurisprudence, to commit him for trial. He did not think that anything was likely to arise in the case that had heretofore failed to present itself to the experienced and acute counsel on this occasion, and it appeared to him that great inconvenience and detriment would arise from any postponement of the case.

Mr. Blankman briefly responded to the remarks of the counsel

for the prosecution, urging anew his motion for a brief adjournment.

Mr. Chauncey Schaffer followed for the defence. He advocated no new doctrine, advanced no new law when he declared that there was nothing in the evidence before the Court to justify the commitment of the accused on the charge here preferred against him. The accused was a foreigner, a German by birth, who had a few days since arrived on these shores in the ordinary course of transit. When any man thus lands here he is presumed to be innocent of any crime. The law throws around him that shield of presumptive innocence, and he is secure, and that power which sends forth fleets and armies, and which on this occasion is embosomed in your honour, is here to shield and defend him from any violation of that principle. He was not present to-day to quarrel with the policy of England; but here he would fearlessly state at the outset that he did not regard the treaty under which it was sought to extradite this man as anything else than a violation of the constitution of the United States, and utterly inoperative. But why should he, a pigmy, go forth to meet in conflict the dead champion of the nation and Constitution? But even he had been overruled as a lawyer. The great Webster held, and ruled, and wrote, and declared that M'Leod, who crossed the Canadian frontier and landed at Sloser, and who murdered Duprey, and set the steamer "Caroline" on fire, and then set her afloat so that she went down into the sublime depths of old Niagara—that he should be set at large. Great Britain defended M'Leod's acts as justified by the mixed and unsolemn state of war that then existed. Webster was for discharging that man after he had been arrested on the soil of New York, and indicted and held for trial and charge of murder. But the supreme Court of the State held him, and he was tried and acquitted, but the dignity and sovereignty of the Empire State was vindicated, and "Excelsior" is her proud title still. Now, the constitution of the United States provides that no man shall be put in peril of his life or liberty except upon indictment by a Grand Jury, or presentment of a Grand Jury, which means the same thing. The extradition of this man is claimed by virtue of a treaty between this country and England. Treaties are made by the President and submitted by him to the Senate; and when ratified by that body they become part of the law of the land, with almost the same binding force as the Constitution itself, if the treaty be not in violation of the Constitution. He would not stand there and say that it were better that the nation should perish than the Constitution be violated, but he would say that it would be far better for him as an individual and for all others that this once proud island and all it contains should be destroyed

—better, indeed, that the goodly island should become a sand-bank for the storms of earth and ocean to meet in conflict dire —that it should be a spot for sea monsters to fatten on—than that the supreme law of the land should be violated directly by the treaty-making power or any other power. Now, by this treaty you are asked to surrender this man to be tried for his life before he is yet indicted, in that the treaty is in contravention of the Constitution. You are asked to do what the President and Congress could not constitutionally do—put this man in peril of his life before indictment for any offence is found against him. He did not ask the Court to say that the treaty was unconstitutional, but he would show conclusively that it was at present suspended after the act, and the British Government it is who seeks here for its enforcement. The ocean is as much a portion of the heritage of the American people as the broad prairies of the West. He would come briefly to the main point of his argument. It was an elementary principle recognised by the law of nations that a state of war between two nations suspends the operations of all treaties. But it may be said that there is no war between this country and England; neither is there in their sovereign relations incapacity, but there is war notwithstanding. There does exist what the eminent Groteus terms "a mixed or unsolemn state of war" between the two nations—between the subjects of England on the one side and the subjects of the United States, as represented in her commerce on the ocean, on the other. The test is easy of application. For instance, the officers who are here in Court to-day representing their sovereign while in pursuit of this man supposed to have his hands red with the blood of his fellow man, were actually afraid that the supposed murderer would escape condign punishment. Why? What gave rise to their fears? The fear that a private vessel, infesting the ocean—the highway of nations—sent out from the friendly English ports by British subjects, would snatch from British justice that which British justice was in pursuit of—Britain committing suicide upon her own justice. That is a state of war, and that state of things, by the common consent of mankind, suspends all treaties between the countries. There is that hostility on the part of English subjects towards this country which the writers on international law denominate "mixed and unsolemn war," and which can be carried on without any formal declaration of war. There are three sorts of war—public, private, and mixed. Mixed war is sub-divided into solemn and unsolemn war. When hostilities are carried on without any previous declaration of war, that becomes a mixed and unsolemn war; and this, as in any war, to the suspension of treaties previously existing, being a war between

the citizens and subjects of one nation against another nation; and that nation or power which cannot prevent this state of things, that nation which cannot control its own subjects, ceases to be a nation. England cannot say she is neutral in this matter when she furnishes our rebellious subjects with vessels of war, mans them, opens her ports to them, furnishes them with arms and ammunition, and sends them forth on their errand of destruction, burning merchant ships and destroying the commerce on the seas of a friendly power. The "Alabama," built and armed in England, and manned by Englishmen, sank and burned one hundred and twenty of our ships; and when at last she meets the fate she so richly deserved, we find an English subject on his yacht snatching from an American officer his legal rights. Look at the case of the steamer, running from port to port, and in Maine seized by pirates, the engineer murdered, passengers murdered, the vessel brought into an English port, and the murderers and pirates protected by English subjects. But, as in the case before the Court, when a man is found murdered near London, they pursue the supposed murderer to our shores and cry, "Treaty, treaty, treaty." They tore that treaty to pieces three years ago. (Applause.) Nay, more than that, great argosies, laden with the choicest treasures of the nation, have been sunk in countless numbers, with connivance and consent of this neutral, friendly power. The truce has been applied by the pirate "Florida," built and sent out by English subjects—a robber on the highway of nations, murdering our citizens, and destroying our commerce, and humiliating the nation before the world, so that no longer is it an honour to claim to be an American citizen. This was not so much the act of the Government or of the people as of the aristocracy, who misrepresented the Government and the people. The latter were true to liberty and to the United States, God bless them. This treaty, then, under which the rendition of this man is demanded, is suspended, and is a dead letter until this mixed and unsolemn state of war on the part of British subjects against the Government ceases. England, to claim this man, must come into Court with clean hands. She must not come here and ask of us to honour her justice when she dishonours her own justice, breaks her treaties, and cries peace and neutrality while at the same time she lets slip the dogs of war, and with piratical vessels drives our peaceful commerce from the ocean. This cannot long continue. Better for us we had war at once, when we could send out our cruisers and assert our rights of retaliation on the ocean. The Lines of Decahur are not forgotten, and we have a Farragut worthy to take the first place in any contest, where the pride and honour and courage of America

is at stake. (Applause.) Leaving the case of his client in the hands of the Court, he would close.

Inspector Tanner was re-examined as to the height of the prisoner and his personal appearance, to show that he could not be one of the two men seen in the compartment of the railway carriage with Mr. Briggs on the night of the murder. This ended the case for the defence.

Mr. Marbury, for the British Government, addressed the Court. He did not think it quite generous or becoming in him to enter upon a criticism of the speech of the gentleman who had just spoken, nor would he attempt to follow him through the wide and discursive range of topics he had introduced into the case. He would even hold himself excused from the necessity of even as much as adverting to many of the irrelevant matters which he had dragged into the discussion of this question. All that was immaterial. With reference to the treaty under which the accused was claimed, whether that treaty was faithfully observed or not was not a question for this Court to determine. That was for the executive Government to decide; and when the executive shall have taken the ground that by reason of the grievances to which counsel has so eloquently referred, the Ashburton Treaty is of no further force or effect, it will be time enough for the Courts to follow the action of the executive, but so long as the Governments of the two countries regard that treaty as a subsisting treaty, then it holds its place under the Constitution, next to which and under which it is the supreme law of the land. It would be trifling with the time of the Court to pursue this point any further. The only excuse or apology counsel could possibly offer for the introduction of such topics must be in the fact that the case, on its own merits, affords no entertainment to the audience, which the counsel is always expected to produce whenever he appears in Court. This is a very serious and grave business for this young man, and, looking upon him, one could hardly conceive that he perpetrated the dreadful crime with which he stands charged, and if he could escape from the evidence of guilt that comes from so many quarters, all converging and pointing to him, he (counsel) would experience relief from a weighty responsibility. This is not a case for sickly sentiment or sympathy. If he be really guilty of murdering the venerable man (Mr. Briggs) in the way described, then his crime is one of the blackest dye, as well as one of the meanest and most revolting in all its aspects that has ever been perpetrated. The facts are these: first, the *corpus delicte* is fully established. At half-past ten o'clock, 9th July, 1864, Mr. Briggs was seen alive and in perfect health. In two and a half or three and a half minutes afterwards he lay moaning and insensible in the 6-foot way of North London

Railway. The carriage in which he had been riding, and from which he was thrown, exhibited proofs of a recent bloody struggle. Several mortal wounds were inflicted upon the deceased, from the effects of which he shortly afterwards died. Second, the evidence which has been adduced shows clearly and conclusively that the prisoner is guilty of the murder of Mr. Briggs, with which he is charged. On Saturday evening, 9th July, between half-past seven and half-past eight o'clock, Müller left the house of Mrs. Repsch, 12½ Jewry Street, Aldgate. He did not return that evening to his lodgings, as it was usual for him to do. On examining the compartment in which Mr. Briggs had been assaulted and murdered, a hat was found, made by Mr. T. H. Walker, 44 Crawford Street, Marylebone, London. It was crushed, and had marks of blood upon it. This hat is proved by the witness Matthews, who has been examined here, and by Mrs. Repsch, whose depositions have been taken, to have belonged to Müller, and to have been worn by him up to the time of the murder, or nearly so. Mr. Briggs's hat was taken by the murderer. Müller, on the 14th day of July, had on at Mrs. Repsch's a nearly new hat with a white silk lining. He told Mrs. Repsch that his old one had been thrown into a dust hole. When arrested here, a hat is found stowed away in his box. Mr. Briggs's hat is gone, and Müller is found with one in his box. From the person of Mr. Briggs a gold watch and chain were taken by violence. The chain is proved distinctly to have been in Müller's possession on Monday, the 11th of July. On that day it was exchanged by him at the shop of Mr. Death, 55 Cheapside, London, for another chain and ring. This other chain was packed in one of Mr. Death's card boxes and delivered to the prisoner. He subsequently exhibited this new chain and ring to several persons. The box with Mr. Death's name and address he gave to Mr. Matthews' daughter. On the 12th July, 1864 (Tuesday), the prisoner pawned this new chain to Mr. Annis, 121 Minories, and received a pawn ticket therefor. On 13th July (Wednesday), 1864, the prisoner sold this pawn ticket to John Haffa, his room mate, for the sum of 12s., which sum he needed, as he stated, to pay for his passage to America. On his arrival there he is identified clearly by Mr. Death as the person who sold him Mr. Briggs's chain. He is also identified by Matthews as owner of the hat which was found in the compartment of the railway carriage where Mr. Briggs received the wounds from the effects of which he died. There is also found in Müller's box a heavy gold watch, made by Archer, of Hackney, where Mr. Briggs resided. Müller is not known to have had any watch of his own. If he had he would probably have exhibited it, or it would have been seen by Matthews and other witnesses, to whom he showed the chain and ring,

and with whom he was on terms of intimacy. Third, the evidence is such as would plainly require the commitment of Müller for trial if the offence had been committed here, and it results that a certificate leading to his extradition that the case may undergo an investigation in England should be granted. Thus was the chain of evidence complete, not a link wanting to connect the prisoner with the commission of the crime with which he stands charged.

Commissioner Newton then proceeded to deliver the decision of the Court. Having complimented the counsel assigned for the defence for the able manner in which they had advocated the cause of their client, he said—"I am not at loss to see, after carefully looking down the testimony, and weighing it in my mind, that there is sufficient testimony for me, sitting in the capacity of a committing magistrate, to commit this man to a trial. My simple duty is to determine whether there is sufficient probable cause, from the evidence that has been produced to that effect, which would cause me to remand him, that he may have an opportunity to be tried at the place where the crime was committed, and there proving his innocence, or, being found guilty, to be punished for his crime. It is not necessary for me to determine absolutely that he is guilty of the crime. The fact to determine is, has a crime been committed? If it has been committed, is there probable cause from the evidence to show that the party accused is the party who has committed the crime? Now, it appears to my mind, looking at it in the light of probable cause, that my duty is very simple and very plain. I do not desire to sit in judgment upon this man; far be it from me. I wish it was in my power to discover any evidence or trace of innocence to justify me to withhold the certificate of extradition. But I am free to say that, from all the combined circumstances, the chain which seems to have been linked around this man points fatally to him as the guilty man. So clear and distinct is the question of probable cause that I cannot for one moment have a doubt as to the proper course to pursue. Under these circumstances I am constrained to grant the certificate, and the prisoner therefore stands committed."

The prisoner was then removed.

Appendix II.

APPENDIX II.

Memorial presented by the German Legal Protection Society.

(From *The Times*, Friday, 11th November, 1864.)

Yesterday afternoon, at half-past one o'clock, a deputation from the German Legal Protection Society, consisting of Dr. Juch and Mr. Berndas, accompanied by Mr. Beard, the solicitor for the defence, proceeded to the Home Office, and presented to Mr. Everest the following memorial which, after various meetings of that society, was recently adopted in Müller's behalf. The deputation read the heads of the memorial, which prayed for a respite of the sentence of death passed upon the convict. Mr. Everest, after hearing the deputation, stated that the memorial would be forwarded by the post of that evening to Sir George Grey, who is at present at Falloden, and that an answer could not possibly be received from him before Saturday morning, but that the moment it came to hand a copy of it should be forwarded to Mr. Beard. Mr. Beard handed in a letter to Sir George Grey, which he requested might accompany the memorial, and in which he requested the immediate attention of the Home Secretary to this urgent matter of life and death. Mr. Everest promised to forward Mr. Beard's letter, and the interview, which lasted only a very few minutes, terminated. The memorial is as follows:—

"Franz Müller, a German, was convicted at the Central Criminal Court on Saturday, the 29th day of October, of the murder of Mr. Briggs in a first-class railway carriage on the night of the 9th of July last. The evidence against him was circumstantial. It was sworn that on the Monday following the murder he exchanged, at the shop of Mr. Death, a silversmith in Cheapside, a gold watch-chain, which was proved to be the property of the murdered man, and that he received a new chain for it. This last-named chain was packed in a small case, which was given by Müller on the same day to the daughter of one Matthews, a cabman, with whom Müller was on intimate terms. On the 13th of July Müller redeemed a watch and chain which he had in pawn, and re-pawned them at a different place for £4; he gave his own name (Müller) when he did so."

(Then follows a brief summary of the evidence against Müller; and in the succeeding paragraphs the evidence in his favour, such as was adduced at the trial, and all the points touched upon in Serjeant Parry's speech for the defence are gone into at some length. With respect to the alibi, it is

again argued in the memorial that Müller could not possibly have returned from Camberwell in time to leave Fenchurch Street station by the same train as Mr. Briggs. The statements of Matthews, his wife, and Mrs. Repsch are called into question, and a hint is thrown out that they might have been induced to swear as they did for the sake of participating in the promised reward. It is also asked why Müller should be condemned because he could not tell what became of his old hat, while Matthews is in equal ignorance of what has become of his. The memorial then goes on—)

"One of the most singular circumstances in this case is that these two men should have hats so nearly alike. Müller positively declares that he bought at Mr. Digance's the hat which is said to be that of Mr. Briggs, and he gives the very dates, that is between the 14th and 20th of May last. It may be said that it was too expensive; but Müller was a man who spent a great deal in personal decoration. He asserts that after he bought it he was rallied upon it as being too tall for him, and that this was the reason he cut it down. He asserts most positively that the Repsches saw him cut it down, and when he was ironing it Repsch advised him to wet his rag, as hatters did. He described to a member of the committee the appearance of the shopman at Mr. Digance's, from whom he bought it. Two of the committee went to Digance's and saw that shopman; his description corresponded exactly with that given by Müller. Mr. Digance himself was questioned about the sale of such a hat, and was politely asked to let his day-book for May be seen; but he refused to give any information, nor would he let his day-book be examined, nor would he permit his assistant to give information, stating as his reason that Müller was a murderer. Now, if it could be proved that this hat was really purchased by Müller at Mr. Digance's, the case for the prosecution would be greatly weakened, if not wholly destroyed. Müller asserts that it can. It is not unreasonable, therefore, to ask only for a respite that this matter may be inquired into.

"Müller asserts that he went to the docks on the Monday morning, the 11th of July; that a pedlar, whose face was well known to persons employed there, offered him the watch and chain, near where the ships lay; that he then had his passage money in his pocket (as Haffa says); the price which the pedlar asked was £6, but Müller did not feel disposed to give more than £4, which he offered. The pedlar refused, and they parted. In about half a minute it occurred to Müller that as the pedlar refused £4 for the chain and watch they must be worth more, and that he could make a good bargain. He returned, and offered him three half-crowns additional, which were at once accepted. Müller left the docks, and when crossing Tower Hill he doubted the genuineness of his purchase

—he thought that they were only gilt and worthless, and he went to Mr. Death's to propose an exchange of chains for the purpose of discovering whether the newly acquired property was gold or base. Discovering that it was gold, he resolved to part with the chain and keep the watch in place of his own, which was in pawn. His vanity made him state a falsehood as to the chain and ring, that they were presents from his father, as he also falsely stated that Mr. Hodgkinson was sending him to New York at £150 a year, and, as he pretended there, that he had had the watch two years.

"The latter statement, it is suggested, was that of a man who had become convinced during the voyage that the watch purchased from the pedlar had been got under doubtful circumstances, and he probably was under great embarrassment about it when apprehended. Had he known that the chain was that of Mr. Briggs, it is incredible that he would have given the box which he received from Mr. Death to Matthews' child as a plaything, for he must have been guiltily suspicious that that box would be identified and traced to him.

"Jacob Weist, porter at Mr. White's, proved at the trial that he had seen Müller several times at the London Docks. He now adds that three or four days before Müller sailed he saw him there one morning. Weist was not at the docks on either Saturday or Tuesday, and therefore he believes that it was on the Monday morning before he sailed he saw Müller.

"There are declarations that the pedlar described was in the habit of frequenting the docks, and that he ceased to do so about the period when the police were engaged in the discovery of the murderer.

"Müller describes the pedlar who sold him the watch and chain as being a man of middle size; he had a lean face, with prominent cheekbones, brown whiskers, and shaved clean; he had a little scar on the lip. He wore a Melton morning coat. This, as nearly as possible, corresponds with the description of the missing man. This pedlar has since been discovered. He admits that he sold a gold chain and a watch about July to a person in the docks, but he asserts that the watch was silver. It is submitted that this last assertion cannot be wholly relied upon, and that the coincidence is so extraordinary that Müller at New York should have asserted this fact, and that it should be discovered to be true in the most material particulars, that a respite of Müller is imperatively demanded by the exigencies of public justice for a more full investigation as to where the pedlar got these articles, and what he subsequently did with them. It was from Müller's description of him solely that he was traced out and discovered.

"The passage money had exhausted Müller's finances. He sold his coat and trousers on the voyage, and had 12s. in his pocket when apprehended. This accounts for the non-pro-

duction of his clothing, which was made so much of at the trial. It is certain that he was so reduced in his finances when he was about to leave London that he could not have paid his passage money had he not pledged his coat for 6s., before mentioned. No person who went out in the ship could prove that Müller had cut down the hat during the voyage. It was proved to have been ironed after it was cut down. If he borrowed an iron on board ship, the fact should have been proved. It is unlikely in the extreme that he did so on the Sunday, as Mr. and Mrs. Blyth declare that he was with them all that day, and they both unite in speaking that they did not notice him with a new hat. Mrs. Blyth positively avers that from the time when Müller entered her lodging until he left she never saw but one hat with him; the prosecutor did not venture to put into her hand at the trial either of the hats which were supposed to prove Müller's guilt. The truth is, the hat was cut down soon after he bought it, and it was cut before he went to lodge with Blyth.

"In the absence of direct evidence, while the indirect evidence is of a doubtful or suspicious nature, Müller's character should be thrown into the scale; his demeanour since his arrest, and even since his condemnation, has been that of a man who is not guilty of the crime of murder; and his whole previous career is as much at variance with the perpetration of the crime as his physical and nervous temperament renders him apparently incapable of it.

"It is not reasonable to suppose that a man who had committed a murder of this terrible description, when the hue and cry was raised all through London, would be coolly walking about the streets and would openly exhibit his newly acquired hat and chain and ring which he knew to be connected with the crime. Would he dispose of the chain to a respectable dealer, where he would be most likely to be detected? Would he not rather sell it in some haunt of thieves? Would he openly declare his intention to leave the country, and tell all his friends the name of the ship he was going in, while he took his passage in his own name? His natural cheerfulness and kindliness of temper never were seen to change, though, if he had been guilty, it is impossible but that he must have exhibited some agitation, some traces of inward or external excitement and alarm. Yet none was ever seen.

"If it be conceded—and it was virtually conceded at the trial—that Müller was at Jones's at all that evening, the dates conclusively show that he could not be at Fenchurch Street at 9.50. He parted with Haffa at Jewry Street, Minories, not before 7.45. This was ten minutes' walk from Gracechurch Street, and he could only catch the eight o'clock

omnibus to Camberwell Gate. It takes twenty-five minutes to ride from Gracechurch Street to Camberwell Gate; and to walk thence to Vassal Road at a moderate pace by a lame man with a slipper could hardly be done in twenty-five minutes; that takes us to 8.50. It is in evidence that he stayed five or ten minutes. Assume that he left Jones's about nine, he would arrive at Camberwell Gate at 9.25 or 9.30. He could not arrive there for an earlier omnibus certainly than 9.45. This would bring him to Gracechurch Street about 9.50. Thence to Fenchurch Street is about five minutes, making it 9.55; but the evidence conclusively showed that the 9.45 train, a few minutes behind its time, started at 9.50. On the whole, it is improbable that he could have caught all those omnibuses and trains at the exact moment when he wanted them, and that he could have made so well-timed a race to commit murder. Müller positively declares that he was the passenger in the slipper who left Camberwell Gate in the omnibus at 9.55.

"The Lord Chief Baron told the jury as follows upon this point (*The Times*, 31st October):—'Between seven and eight o'clock the prisoner was at Repsch's; he then left, taking his boots with him, saying he was going to Camberwell. There was plenty of time for him to have gone to Camberwell and to have returned.' It is submitted that on the figures just quoted this direction of the learned judge was too unqualified. Those figures are all absolute, and, being so, they demonstrate that the judge was mistaken in asserting that 'there was plenty of time.'

"At the coroner's inquest the following important evidence was given by Townsend, a ticket porter at Hackney Wick station, who collected the tickets in the train in which Mr. Briggs had travelled. He said, 'We keep the doors locked till the tickets are collected. I remember that a man was very anxious to leave the platform and went into the porters' room, thinking that was the way down. He seemed very impatient, and said, on being told that the door would be opened in a moment, "D—— the door, it ought to have been opened before," and he added that he would report me. I should know him again. The station is on an embankment. We have rather a rough lot there at times.' Müller was shown to this witness, but he could not identify him as the man. Like Mr. Lee, he was not called by the Crown. It is submitted that this is very remarkable evidence when taken in connection with what Mr. Lee swore, and that this was probably one of the two men seen by him in the carriage with Mr. Briggs. The other may have escaped down the embankment, which is steep, and not traversable by a man who limped, as Müller did on that night. Observe, also, that

this man, whoever he was, has never come forward to explain his remarkable conduct that night. Yet the inquest was held so long ago as the 19th of July last, and the coroner might have discovered him if he were guiltless.

"A similar observation occurs as to the two persons seen by Mr. Lee. As it is impossible to assume that he has wilfully perjured himself, how is it that neither of these persons has ever come forward? Their concealment of themselves can be accounted for only on the supposition that they possess a guilty secret, and that they were, in fact, the murderers of Mr. Briggs. It is absurd to believe all that Matthews says and to disbelieve all that Mr. Lee swears.

"A witness named declares that on the night of the murder, some time after ten o'clock, he lost his way going to Hackney Wick station, and found himself in Wallace Road, near the canal, at a place about 100 or 150 yards from where Mr. Briggs was found. He saw a man who appeared stunned or drunk, and whose face, hands, and clothing were covered with blood; another person, who appeared to be a workman, and who was there, remarked that the man had either been attacked or had done some murder. The man went in the direction of the canal. It is suggested that this was the second man who sat in the railway carriage; that in the struggle with Mr. Briggs both rolled out of the carriage together; that this man escaped, and made towards the canal for the purpose of cleaning himself, while his companion rode on to the station, and naturally expressed impatient anxiety, and perhaps alarm, at finding the door closed, which he could not fail to feel under the circumstances that surrounded him.

"F—— M—— declares that about eleven o'clock on the same night a man, in a very excited manner, offered him a heavy gold old-fashioned watch for £1. His hair was dark; he had an alpaca coat and dark trousers. F—— M——'s wife was with him, and she says she thinks she would know the watch again. F—— M—— refused to buy the watch. He gave information to the police a day or two after, yet the police never showed Briggs's watch to F—— M——'s wife. This took place at —— Street, St. George's-in-the-East, and if the man who exhibited impatience at Hackney to get away from the station was the person who offered the watch to F—— M——, he could easily have got from the station to the place where F—— M—— met him. A circumstance so pointedly singular as this demands a rigid and immediate inquiry.

"It was not shown that Müller was in any way acquainted with this particular railway line; it was never suggested that the murder was premeditated by him; yet it is supposed that this poor tailor got into a first-class carriage with the chance present to his mind of his being able to kill or rob somebody

in a minute or two, ready armed and prepared with a deadly instrument. Such an hypothesis is fallacious. All his antecedents negative the idea. It is more likely that Briggs, the bank clerk, was known and followed by some London thieves, who had watched for him and premeditated the murder, and who certainly tried his leathern bag before they decamped, for blood was found on its handle."

(The report recently put into circulation of Mr. Poole, at Edmonton, having a pair of trousers stained with blood thrown at his window, on the morning of 10th July, is then mentioned, and a letter on the subject, signed "John Bennett," which appeared in a contemporary, is reproduced. The memorial then proceeds—)

"If Müller were one of the two men seen in the railway carriage—though Mr. Lee declares that he was not—it is hard to conceive how he could have been found in possession of the whole of the property, as he would have had to share it with his confederate. It is more probable that he purchased it all from one of these men, or from a Jew accomplice of theirs afterwards, under circumstances that, when he came to reflect upon them, excited his own suspicions.

"The persons who proved an alibi had no interest whatever in the acquittal of Müller. The full details of this alibi were known in London to those interested in his defence long before he was apprehended in New York.

"It was clear also that Müller was found guilty because he was proved to be connected with circumstances so suspicious that it was difficult to believe such circumstances could be consistent with innocence. But it is submitted that this is not a fair way of arriving at a conclusion so momentous, because there are many circumstances of the greatest weight connected with his case equally indicative of his innocence; in other words, there are nearly as great difficulties in arriving at a conclusion of Müller's guilt as there are in concluding that he is wholly innocent. Instance the following:—The physical improbability and almost impossibility that a slight young man, destitute of any large amount of strength, and, to some extent, disabled of the use of one limb, could in the space of two or three minutes overpower and throw out of the carriage a man so much larger, heavier, and more powerful; the same man not having been asleep, nor likely to be so in the short interval between his getting into the carriage and speaking to Mr. Lee and the moment when he was attacked. There must have been a desperate and deadly struggle—body to body; the number of the wounds and their position, and the heaving out of the body, would indicate more than one assailant; and Müller was not shown to have ever possessed such an instrument as would have inflicted the wounds found on Mr. Briggs.

"The Lord Chief Baron in his summing up to the jury intimated that Sunday was a *dies non*—a most unlikely day for the murderer, supposing him to be another than Müller, to dispose of the watch and chain to a third party. It is submitted that Sunday is, of all others, the very day most likely; it is the well-known market day of the Petticoat Lane thieves and dealers.

"The Lord Chief Baron likewise told the jury that it was not required of them in finding a verdict of guilty against Müller that they should have no doubt of his guilt, but they should have the same degree of certainty which they required in their own most important affairs. Now, this direction being addressed to men of business, they would naturally take the analogy of business matters as their standard. Yet ye see every day that men embarking in the most important commercial transactions require only a slight preponderance of probabilities of success to justify them in doing so and running the greatest hazards; and hence the vast number of ruined speculators, who, nevertheless, are usually men of sound judgment and well accustomed to mercantile contingencies. It is submitted, therefore, that such a test is calculated to mislead; and that it was intended by Lord Tenterden, on whose authority it was cited, rather for civil than criminal investigation.

"No imputation is intended to be conveyed on the finding of the jury, who, on the imperfect facts presented to them on Müller's behalf, could have probably arrived at no other verdict than that which they did. Müller himself, after condemnation, said, 'I should like to say something. I am, at all events, satisfied with the sentence which your lordship has passed, for I know very well it is that which the law of the country prescribes. I have not been convicted on a true statement of the facts, but on a false statement.' This may be taken as strong a protestation of innocence as a foreigner knowing little of the English language could make; and it was a rejoinder to the judge, who said it was the sentence of the law, and not of the Court. But Müller was condemned by public opinion long before he was brought to England at all, in the same way as, but in a stronger degree than, Dr. Smethurst was.* This gentleman was convicted of poisoning before

* Dr. T. Smethurst was convicted and sentenced to death at the Central Criminal Court before Lord Chief Baron Pollock on 19th August, 1859, for the murder by poisoning of Isabella Bankes. Serjeant Ballantine conducted the prosecution, and Serjeant Parry the defence. The verdict was set aside by the Home Secretary on the ground of insufficient evidence of guilt, and three months later Smethurst was sentenced by Baron Bramwell to one year's hard labour for bigamy. A clear and impartial account of the case will be found in volume iii. of Sir James Stephen's "History of the Criminal Law."

Franz Muller

(By kind permission of Madame Tussaud & Sons).

the Lord Chief Baron, who expressed himself satisfied with the verdict, and gave him no hope; yet, when, on a memorial like this, he was respited, the accusation was found to be false, and no one ever since doubted that he was wrongfully convicted of the crime for which he was adjudged to death. It is confidently hoped that a similar result would follow the respite prayed for in this case."

The Times, 11th November, 1864.

(To the Editor of *The Times*.)

"Sir,—The committee of the German Legal Protection Society begg the powerful aid of your journal in making known to the English public the fact that their committee will sit *en permanence* at Seyd's Hotel, Finsbury Square, until the answer to their memorial has been received from the Secretary of State. The committee are stimulated to make this special appeal by the circumstance that important evidence, as tending, as they believe, to exonerate their countryman has presented itself almost at the last moment before the presentation of their memorial. In the belief that other persons may recall circumstances bearing on their task connected with the evening of Saturday, the 9th of July, the committee earnestly entreat all such persons to communicate with them at once at Seyd's Hotel, where members of the German committee will always be present and anxious to receive communications.

"I am, Sir, yours obediently,

"Adolph Oppler,

"Hon. Sec., Deutscher Rechtsschutz-Verein

"(German Legal Protection Society) in London.

"November 10."

APPENDIX III.

(An Account of the Execution of Muller.)

(From *The Times*, 15th November, 1864.)

Yesterday morning Müller was hanged in front of Newgate. He died before such a concourse as we hope may never be again assembled, either for the spectacle which they had in view or for the gratification of such lawless ruffianism as yes-

terday found its scope around the gallows. While he stood firm on the scaffold as the hangman turned the last bolts beneath his feet, Müller, with his last words, owned his guilt. His quiet and almost instantaneous death cut short what might have been a full confession. The mere details, however, matter not; enough at least was disclosed to show that the sentence of mankind was right. In the quiet, earnest words with which Müller bowed his head and said, "Ich habe es gethan" (I did it), and so, in speaking, went before his God, he told enough to vindicate man's justice; and in his late repentance left those who saw him die to hope more than justice for him in the world to come. Whether the scene amid which the guilty man at last faltered out the late admission of his crime was one in which any human being should have passed away is another question. The gallows as a moraliser is at the best a rough one. It is not as a general rule supposed to address the educated and refined, but to preach its bitter lesson to the hordes of lesser criminals it draws round it to see a greater criminal die. Viewed from this aspect, and only as a solemn warning and example, it is to be wished that this last and saddest offering to man's justice could have been made less hideous than it was yesterday.

A great crowd was expected round the gallows, and, indeed, a great crowd came. The barriers to check the crowd were begun across all the main streets which lead to Newgate as early as on Friday last, and all through Friday night, and on Saturday and Sunday, a dismal crowd of dirty vagrants kept hovering around them. These groups, however, were not composed of the real regular habitués of the gallows, but of mere young beginners, whose immature tastes were satisfied with cat-calls in the dark, fondling the barriers, or at most a hurried scrambling throw of dirt at the police when they dispersed them. It was, however, different on Sunday night. During the early part of the evening there was a crowd as much of loungers as of drunken men, which stood the miserable drizzle with tolerable patience, while the public-houses were open and flared brightly through the mist. But at eleven o'clock a voluntary weeding of the throng commenced. The greater part of the rough mass moved off, leaving the regular execution crowd to take their early places. For a little time there seemed something which was not alone confusion but indecision in the throng, till the dirty chaos settled itself down at last, and while noisy groups went whooping and wrangling away, a thick, dark, noisy fringe of men and women settled like bees around the nearest barriers, and gradually obliterated their close white lines from view. It was a clear, bright moonlight night. Yet though all could see and well be seen, it was impossible to tell who formed the

staple part of this crowd that gathered there so early. There were well dressed and ill dressed, old men and lads, women and girls. Many had jars of beer; at least half were smoking, and the lighting of fusees was constant, though not more constant than the cries and laughter, as all who lit them sent them whirling and blazing over the heads into the thicker crowd behind. Occasionally as the rain, which fell heavily at intervals, came down very fast, there was a thinning of the fringe about the beams, but, on the whole, they stood it out very steadily, and formed a thick dark ridge round the enclosure kept before the Debtors' door, where Müller was to die. This was at one o'clock, when the moon was bright and the night very clear indeed, and everything could be seen distinctly. Newgate was black enough in its blind massiveness, except at one little point high over the walls, where one window in the new wing showed a little gleam of light, to which it seemed the crowd was never tired of pointing as the spot where Müller lay in his condemned cell. Truly enough, it had been known outside where he was kept, and this miserable flicker in the black outline of the great gaol, which only marked one wide division of its wards where Müller was imprisoned, became the centre of all eyes, or at least of very many. That all were not so occupied in gazing was at least to be surmised, for every now and then came a peculiar sound, sometimes followed by the noise of struggling, almost always by shouts of laughter, and now and then a cry of "Hedge." What this meant none then knew from merely looking out upon the dismal crowd, which seemed to writhe and crawl among themselves. As day dawned, however, all lookers-on understood it better. It is very cheap morality to go to the "ring's" side and proclaim the brutality of prize fights, or from beneath the gallows tree to preach forth upon the demoralising effect of public executions; but still the truth is the truth, and how the mob of yesterday behaved must be told. As we have said, as the showers came more or less heavily, so the crowd thinned or thickened in its numbers; but there was always enough to mark, like the lines of a massive grave, where the drop was to be brought in. From its great quadrangle the sightseers never moved, but from hour to hour, almost from minute to minute, grew noisier, dirtier, and more dense. Till three o'clock it was one long revelry of songs and laughter, shouting, and often quarrelling, though, to do them more justice, there was at least till then a half-drunken, ribald gaiety among the crowd that made them all akin. Until about three o'clock not more than some four thousand, or at the most five thousand, were assembled, and over all the rest of the wide space the white, unoccupied barriers showed up like a network of bones above

the mud. But about three the workmen came to finish the last barriers, after the scaffold had been carried to the Debtors' door, and from that time the throng rapidly increased in numbers. Some one attempted to preach in the midst of the crowd, but his voice was soon drowned amid much laughter. Then there was another lull, not, indeed, of quiet, but at least a lull from any pre-eminent attempt at noise, though every now and then it was broken by that inexplicable sound like a dull blow, followed as before always by laughing, sometimes by fighting. Then, again, another man, stronger in voice, and more conversant with those he had to plead before, began the old familiar hymn of "The Promised Land." For a little time this man sang alone, but at last he was joined by a few others, when another and apparently more popular voice gave out some couplet in which at once, and as if by magic, the crowd joined with the chorus of—

"Oh, my,
Think, I've got to die,"

till this again was substituted by the song of

"Müller, Müller,
He's the man."

All these vocal efforts, however, were cut short by the dull rumbling sound which, amid cheers, shouts, whooping, clapping of hands, hisses, and cries of "Why wasn't it brought out for Townley?"* heralded the arrival of the dirty old gallows. This was, for the time, a great diversion, and the crowd cheered or hissed in parts, or as the humour took them, while the horses were removed, and the rumbling black box was worked back slowly and with difficulty against the door of the gaol. The shouts and obscene remarks which were uttered as the two upright posts were lifted into their places were bad enough, but they were trifles as compared with the comments which followed the slow efforts of the two labourers to get the cross beam into its place. At last this was finished, and then, amid such yells as only such sightseers, and so disappointed, could give vent to, a strong force of police filed in and took their places, doubly lining the enclosure round the drop, right before the foremost of the crowd who had kept their places through wet and dry since Sunday night.

* George Victor Townley was sentenced to death by Baron Martin at the Derby Assizes on 12th December, 1863, for the murder of Miss Goodman from motives of jealousy. He was respited on the suggestion that he was insane, but, on further inquiry, was found not to be insane, and his sentence commuted to one of penal servitude for life. There is a published report of his trial and an account of it in the "Annual Register" for 1863.

Then, as every minute the day broke more and more clear, the crowd could be seen in all the horrible reality in which it had been heard throughout the long, wet night. All the wide space in front of Newgate was packed with masses within the barriers, and kept swaying to and fro in little patches, while beyond these again, out to St. Sepulchre's and down towards Ludgate Hill, the mob had gathered and was gathering fast. Among the throng were very few women; and even these were generally of the lowest and poorest class, and almost as abandoned in behaviour as their few better-dressed exceptions. The rest of the crowd was, as a rule, made up of young men, but such young men as only such a scene could bring together—sharpers, thieves, gamblers, betting men, the outsiders of the boxing ring, bricklayers' labourers, dock workmen, German artisans, and sugar bakers, with a fair sprinkling of what may be called as low a grade as any of the worst there met—the rakings of the cheap singing halls and billiard rooms, the fast young "gents" of London. But all, whether young or old, seemed to know nothing, fear nothing, to have no object but the gallows, and to laugh, curse, or shout, as in this heaving and struggling forward they gained or lost in their strong efforts to get nearer to where Müller was to die. Far up even into Smithfield the keen, white faces rose rank above rank, till even where the houses were shrouded in the thick mist of the early dawn, the course of streets could be traced by the gleam of the faces alone, and all, from first to last, from nearest to furthest, were clamouring, shouting, and struggling with each other to get as near the gibbet as the steaming mass of human beings before them would allow. Then, and then only, as the sun rose clearer did the mysterious, dull sound, so often mentioned, explain itself with all its noises of laughter and of fighting. It was literally and absolutely nothing more than the sound caused by knocking the hats over the eyes of those well-dressed persons who had ventured among the crowd, and, while so "bonneted," stripping them and robbing them of everything. None but those who looked down upon the awful crowd of yesterday will ever believe in the wholesale, open, broadcast manner in which garrotting and highway robbery were carried on. We do not now speak of those whom the mere wanton mischief of the crowd led to "bonnet" as they passed, or else to pluck their hats off their heads and toss them over the mob, amid roars and shouts of laughter, as they came from all sides and went in all directions, till sometimes even they fell within the enclosure round the drop, and were kicked under the gallows by the police. The propriety of such an amusement at such a time admits of question, to say the least, even among such an audience. But even then

rough play sinks into harmlessness beside the open robbery and violence which yesterday morning had its way virtually unchecked in Newgate Street. There were regular gangs, not so much in the crowd itself within the barriers as along the avenues which led to them, and these vagrants openly stopped, "bonneted," and sometimes garrotted, and always plundered any person whose dress led them to think him worth the trouble; the risk was nothing. Sometimes their victims made a desperate resistance, and for a few minutes kept the crowd around them violently swaying to and fro amid the dreadful uproar. In no instance, however, could we ascertain that "police" was ever called. Indeed, one of the solitary instances in which they interfered at all was where their aid was sought from some houses, the occupants of which saw an old farmer who, after a long and gallant struggle with his many assailants, seemed, after having been robbed, to be in danger of serious injury as well. This, however, about the farmer is a mere episode; the rule was such robbing and ill-treatment as made the victims only too glad to fly far from the spot where they had suffered it, and who, if even they ventured on giving any information to the police, could hope for no redress in such a crowd. Such were the open pastimes of the mob from daylight till near the hour of execution, when the great space around the prison seemed choked with its vast multitude. Latterly nearly fifty thousand people were crammed between the walls of this wide thoroughfare. Wherever the eye could rest it found the same dim monotony of pale but dirty faces, which seemed to waver as the steam of the hot crowd rose high. At last, when it was near towards eight o'clock, there came shouts of "hats off," and the whole mass commenced, amid cries and struggles, to wriggle to and fro as the bell of Newgate began to toll, not as on Sunday inside the prison, loud upon the ear of the fast dying man, but with a muffled and foggy boom that never would have quieted the yells of that fierce mob, but that they somehow seemed to yearn and listen always for any token of the last scene yet to come.

Inside the prison, meanwhile, the scene had been very different. On Sunday evening, about ten o'clock, Mr. Sheriff Dakin paid a last visit to the prisoner in his cell, and before leaving he again exhorted him with much kindness and earnestness, as he had done on previous occasions since his conviction, not to leave the world with a lie in his mouth if he was really guilty. Laying his hand upon a Bible which the convict had been reading, Mr. Dakin reminded him that the promises of forgiveness it contained all assumed repentance and confession. Müller listened kindly to the adjurations of the Sheriff, but made no response. After Mr. Dakin had gone the convict remarked to one of the warders placed over him that man

had no power to forgive sins, and that it was of no use confessing to him. In this state of mind he denied the crime almost to the very last. He retired to rest at half-past ten, and slept soundly for about four hours, but was anxious and uneasy during the remainder of the night. He rose at six o'clock and dressed. Shortly afterwards Dr. Louis Cappel, minister of the German Lutheran Chapel in Alie Street, Goodman's Fields, joined the convict in his cell, and remained with him until the last. The interval was chiefly spent in religious exercises, and as the hour fixed for the execution drew near Dr. Cappel administered the sacrament to him, having first received from the prisoner an assurance that he was innocent. During the interview, which lasted nearly two hours, the convict frequently clung to him and embraced him, observing, with tears in his eyes, that he was the only friend he had then in the world, and expressing his fervent gratitude for all the kindness that he had shown him. About half-past seven o'clock the Sheriffs of London, Mr. Alderman Dakin and Mr. Alderman Besley, with the Under-Sheriffs, Mr. Septimus Davidson and Mr. De Jersey, went from the London Coffee-house, in Ludgate Hill, where they had passed the night, to the Court-house of the Old Bailey, where they remained until a quarter to eight. There they were met by Mr. Jonas, the governor of Newgate, and by Mr. Gibson, the prison surgeon, and, forming themselves into a procession, the authorities passed from the sessions-house to the gaol. The way lay through a series of gloomy passages, some of them subterranean and dimly lighted, and over the graves of malefactors who had been buried there during the last thirty years. Emerging at length into an open courtyard within the precincts of the prison, they paused for a few moments, until a door at the further end of the courtyard was unexpectedly opened and Müller presented himself, attended by a single warder, on the way from his cell to the scaffold. He was pale, but quite calm and collected, he walked with a somewhat measured pace, with his hands clasped in front of him and looking upward, with a touching expression of countenance. He was dressed with scrupulous care in the clothes which he wore on his trial. Since then he had improved much in appearance, and upon the whole he was a comely-looking young man. Without the slightest touch of bravado his demeanour at this time was quiet and self-possessed in a remarkable degree. From the courtyard he passed with his attendant into the press room, followed by the authorities. There he submitted himself to the executioner, and underwent the process of pinioning with unfaltering courage. While all about him were visibly touched, not a muscle in his face moved, and he showed no sign of emotion. At this trying moment Dr.

Cappel approached and endeavoured to sustain him again and again. Repeating in a docile and affectionate manner words which the reverend gentleman put into his mouth, the convict more than once said, "Christ, the Lamb of God, have mercy upon me." Dr. Cappel repeatedly turned an anxious look first on the prisoner and then on those about him, as if he felt that all his efforts to induce him to confess if he was really guilty were about to be unavailing. As the executioner was removing his neckerchief and shirt collar, on the arrangement of which some care had evidently been bestowed, the convict moved his head about to allow of that being done the more easily, and when these little articles of personal adornment were stuffed within the breast of his coat he remained callous and unmoved. The process of pinioning over, Mr. Jonas, the governor, approached the convict and asked him to take a seat, but he declined the offer, and remained standing until the prison bell summoned him to his doom. As he remained in that attitude one could not help being struck with the appearance of physical strength which his figure denoted, and still more with his indomitable fortitude. Though short in stature, he was compactly and symmetrically made, and there were manifest indications of strength about his chest, arms, hands, and the back part of his neck in particular. A signal having been given by the governor, the prisoner was escorted by the Sheriffs and Under-Sheriffs to the foot of the scaffold, the Rev. Mr. Davis, the ordinary, leading the way, and reading as he went some of the opening verses of the burial service.

At the little porch leading to the gallows the Sheriffs and officers stopped. Dr. Cappel alone ascended it with the guilty man. The clergymen at once took their places on the line of sawdust, which had been laid to mark the outline of the drop which falls, and which without such a signal to denote its situation, might easily have been overlooked in the dusky black of the whole well-worn apparatus. Close after them, with a light, natural step, came Müller. His arms were pinioned close behind him; his face was very pale indeed, but still it wore an easy and, if it could be said at such a time, even a cheerful expression, as much removed from mere bravado as it seemed to be from fear. His whole bearing and aspect were natural. Like a soldier falling into the ranks, he took with a steady step his place beneath the beam, then, looking up, and seeing that he was not exactly beneath the proper spot whence the short, black link of chain depended, he shifted a few inches, and then stood quite still. Following him close came the common hangman, who at once pulling a white cap over the condemned man's face, fastened his feet with a strap, and shambled off the scaffold amid low hisses. While this was being done Dr. Cappel, addressing the dying

man, said, "In a few moments, Müller, you will stand before God; I ask you again, and for the last time, are you guilty or innocent?" He replied, "I am innocent." Dr. Cappel said, "You are innocent?" repeating his own words in the form of a question. Müller answered, "God Almighty knows what I have done." Dr. Cappel said, "God Almighty knows what you have done?" again repeating the convict's own words; "Does God know that you have done this particular deed?" Müller replied, "Yes; I did it," speaking in German, in which language the whole conversation was conducted. The German expression used by the convict, according to his confessor, was "Ich habe es gethan"; and these were his last words. Almost as soon as these words had left his lips his kind spiritual guides quitted the platform, and the drop fell. Those who stood close to the apparatus could just detect a movement twice, so slight, indeed, that it could scarcely be called a movement, but rather an almost imperceptible muscular flicker that passed through the frame. This was all, and before the peculiar humming noise of the crowd was over Müller had ceased to live, though as he hung his features seemed to swell and sharpen so under the thin white cap that the dead man's face at last stood out like a cast in plaster. For five or ten minutes the crowd, who knew nothing of his confession, were awed and stilled by this quiet, rapid passage from life to death. The impression, however, if any real impression, if it was beyond that of mere curiosity, did not last for long, and before the slight, slow vibrations of the body had well ended robbery and violence, loud laughing, oaths, fighting, obscene conduct, and still more filthy language reigned round the gallows far and near. Such, too, the scene remained, with little change or respite, till the old hangman slunk again along the drop amid hisses and sneering inquiries of what he had had to drink that morning. He, after failing once to cut the rope, made a second effort more successfully, and the body of Müller disappeared from view. So greatly relieved was Dr. Cappel by the confession that he rushed from the scaffold, exclaiming, "Thank God! Thank God!" and sank down in a chair, completely exhausted by his own emotion. After recovering, he repeated in English, in the presence of the Sheriffs and Under-Sheriffs and the representatives of the newspaper press, of whom there were four, what had just passed between him and the convict, precisely as it has been related above. From this it will be seen that the convict fenced with the questions as to his guilt down to the latest moment of his existence, and that it was not until the last ray of hope had fled that he confessed. Dr. Cappel afterwards stated to the Sheriffs that in his interviews with him the conversation of the prisoner, whenever it touched upon

the murder, appeared to be intended to produce an impression that he was innocent. There were other sins of which the convict said he was guilty, but whenever he was pressed with reference to the murder he evaded the subject in some way, or, to use Dr. Cappel's own words, "He hid that particular sin under his garment, as it were." Mr. Sheriff Dakin asked if the last words used by the convict, "I did it," conveyed to the mind of Dr. Cappel the impression that he alone had done it. The reverend gentleman replied in the affirmative. He added that the hope of life was so strong in him that he appeared to have made up his mind not to confess until the last moment. That at least was his impression. He even declared he was innocent while the sacrament was being administered to him. Dr. Cappel went on to say to the authorities that he exhorted him, in the name of the living God, if he had committed the murder, not to deny it; and that the convict made no reply. From the interviews he had had with Müller he was convinced, he said, he was not a common murderer. At one of those interviews he said to the convict that there was perhaps a loophole by which he hoped to escape—that if he had a hand in the deed he perhaps yielded to a sudden temptation to take Mr. Briggs's watch, and that in a struggle the deceased fell out of a carriage or that he pushed him out; but, however that might be, he (Dr. Cappel) believed he had had a hand in it. To this the convict made no answer, but, evading the question, said there were other sins of which he was guilty.

The time has been, and very lately too, when the dress in which a felon died, or even a cast of his distorted features, would have been worth their weight in gold. But nothing of this catering for the wretched curiosity of the gallows is permitted now. In whatever clothes our worst felons die, these garments, whether good or bad, are burnt before their burial, so that all that may be called the traces of their crime are destroyed with its perpetrator. There is something as just as it is painful, and as just as it is really useful, in this cold obloquy of human nature against its worst dead. There is a feeling among us all which impels us to reverence the earth in which the bones of our departed kindred rest, but from this last consolation even the nearest and dearest relatives of murderers are debarred. For, for those that die upon the scaffold, there is no tomb but Newgate—a tomb such as the few who love the felon best can only leave with shuddering hope that it may be forgotten. In Newgate there is no solemnity of burial; it is a mere hurried covering of the body of one who was not fit to live among mankind. So with the corpse of Müller. It had died publicly; the surgeon had certified to its shameful death. Towards the middle of the day the rough deal box which held it was filled with shavings

and quicklime, and the warders carried it to the hole where it had to be thrust under the flagstones of a narrow, bleak, gaol pathway. There, below the massive cross-barred gratings which almost shut out the light of day—there, where none pass the little hidden grave save those who, like himself must go over it to their great tomb, the body of Müller rests. In a few days the cruelty and singularity of his great crime will be commemorated by a rough "M" cut in the gaol stone near his head, just as Greenacre, Good, and others of the worst are marked beside him. In that foul Aceldama will his bones bleach with theirs till the great day, when he must rise with them and answer for his great crime.

It is understood that Müller prepared a paper some days before his execution, and that it came into the hands of the Sheriffs on Sunday night. This, it is said, was not a confession, but was, on the contrary, little else than what has already been made public at different times by the German Legal Protection Society. In consequence of the confession actually made by Müller it is understood that the Sheriffs did not consider it just to other persons referred to in the paper to make any use of it; that they sealed the document, and will probably make some communication to the Court of Aldermen in reference to it to-day.

APPENDIX IV.

Correspondence Relating to Muller's Confession on the Scaffold.

On 12th March, 1887, in a series entitled "Celebrated Crimes and Criminals," then appearing in the *Sporting Times* under the signature, "W. M.," an account was given of the murder of Mr. Briggs and the trial and execution of Müller. The publication of this account led to the following correspondence, which commenced in the *Sporting Times* of 19th March and was continued on subsequent dates.

Muller's Death.

(To the Editor of the *Sporting Times*.)

Dear Corlett,—In your account last week of the trial and execution of Franz Müller, whose defence, you may remember,

was entrusted to my care, you state that Müller's last words, in reply to Dr. Cappel's question, were, "Yes, I have done it." This is incorrect. What he said was, "Ich habe." He had no time to finish the sentence, which might have been "Ich habe es nicht gethan" (I have *not* done it). His innocence or guilt, therefore, so far as his own confession is concerned, must ever remain a moot point. Your giving publicity to this will oblige, yours faithfully, THO. BEARD.

10 Basinghall Street.

MULLER'S LAST DYING SPEECH AND CONFESSION.

(To the Editor of the *Sporting Times*.)

Sir,—I am astonished that Mr. Beard should attribute incorrectness to the version published in the *Sporting Times* of the last words uttered by Müller, and which are now, it may be said, a matter of history. Surely Dr. Cappel, who stood close to the wretched culprit on the scaffold at the last moment, is the only man entitled to speak with any degree of certainty as to what Müller did or did not say? And what is Dr. Cappel's version? I would respectfully refer Mr. Beard to the *Times* newspaper of 22nd and 24th November, 1864. In the former is a letter from Dr. Cappel to the *Hermann*, giving Müller's last words verbatim, and as they were given in my recent article. The next day Dr. Cappel himself addressed the *Times* as follows:—

"Sir,—In answer to the letter signed, 'The Writer of the Notes,' in the columns of the *Times* of to-day, I beg to say that your reporter, after the execution, carefully took down the last words of Müller from my own lips, and that they were correctly given in your journal of Tuesday, the 15th inst., where they are stated to have been, 'Yes, I did it.' The account given to me by the editor of the *Hermann* corresponds exactly with that of the *Times*.—I am, sir, your obedient servant, "LOUIS CAPPEL, D.D.

"November 23."

This letter, so far as I am aware, terminated the controversy, such as it was, and it would probably interest many others besides myself if Mr. Beard would tell us what grounds he has for saying, with such apparent confidence, that Müller's innocence or guilt, so far as his own confession is concerned, must ever remain a moot point.—Yours faithfully, W. M.

Appendix IV.

Muller's Last Words.

(To the Editor of the *Sporting Times*.)

Dear Corlett,—Before your correspondent, "W. M.," takes exception to my correction, may I ask him to reconcile the various statements he puts into the mouth of Müller? In your issue of March 12th it was, "Yes, I have done it"; on the 19th, "Yes, I did it"; and, turning to Dr. Cappel's letter, to which he refers me, I find Müller did not speak in English at all, but in German. When "W. M." has made up his mind what Müller did say, he shall have the reply of yours faithfully,

Thos. Beard.

10 Basinghall Street, London, E.C.

Muller's Last Dying Speech and Confession.

(To the Editor of the *Sporting Times*.)

Sir,—I had hoped that my "last words" respecting Müller's "last words" had already been tolerably explicit; but, as Mr. Beard asks me to "make up my mind" as to what they were, I must crave space for another letter.

In the account I wrote in the *Sporting Times* of March 12th, I said that those words (being interpreted) were, "Yes, I have done it." Of course I know the conversation was in German, and I said so in the article. Surely Mr. Beard must know that the German words, "Ich habe es gethan," are as equally correctly translated by "I have done it" as by "I did it"? In one letter Dr. Cappel uses the first, and in the other the second expression. But the words are exactly synonymous, and it seems to me mere hair-splitting on Mr. Beard's part to attempt to establish any distinction between them.

I append a letter from Müller's spiritual adviser to the editor of the *Hermann*, published in the *Times* of November 22nd, 1864, and can only again ask Mr. Beard to substantiate his assertion that I was incorrect, and that Müller might have said, "Ich habe es nicht gethan," a hypothesis in support of which I have failed to discover anything in the correspondence of the period; for, if Dr. Cappel was not in the best position to hear the last words uttered by Müller, who, may I ask, was?

—Yours faithfully,

W. M.

Franz Muller.

Honoured Editor,—I hereby discharge the duty intrusted to me by Franz Müller shortly before his death, of thanking the German Legal Protection Society for the efforts they made to save him. At the last moment the unhappy man admitted his guilt, with a firm, clear voice, and in the full possession of his senses; and it has all the more signification because of the carefully chosen words he used. The last words exchanged between him and me on the scaffold are as follow:—

Question—"Müller, in a few minutes you will stand before your God. I ask you again, and for the last time, are you guilty or innocent?" (Müller, in wenigen Augenblicken stehen Sie vor Gott; Ich frage Sie nochmals und zum letzten Male, sind Sie schuldig oder unschuldig?)

Answer—"I am innocent" (Ich bin unschuldig).

Question—"You are innocent?" (Sie sind unschuldig?)

Answer—"God knows what I have done" (Gott weiss was Ich gethan habe).

Question—"God knows what you have done; does he also know if you have committed this crime?" (Gott weiss was Sie gethan haben; weiss Er auch dass Sie dies Verbrechen gethan haben?)

Answer—"Yes, I have done it" (Ja, Ich habe es gethan).

An hour and a half before his execution Müller had declared himself innocent. I then told him that I would not press him further, but that my last words to him would be, "Are you guilty or innocent?" With an earnest and passive look he remained one or two minutes silent, standing before. He then suddenly cried out, with tears in his eyes, and throwing his arms round my neck, "Do not leave me; remain with me to the last." I judged by this that he had determined to make a confession. That this resolution was formed only at the last moment is quite in keeping with the firmness of his strange character, which kept steadily to a denial of the crime with friend and enemy until the very last glimmering of hope had disappeared; and really his uniform quietude and his mild and seeming open disposition were enough to enlist the sympathy of any one, to disarm distrust, and to deceive completely even the most experienced judges of human nature. The persistency of Müller in his denial was probably owing to his strong love of life, and his seeming frankness partly explains itself by the supposition—of which I am fully convinced—that no murder had been intended, but that the robbery led to the death of the victim. Happily for him that even with his last breath he has atoned for his heavy sin to God, to men, and to his friends, through the acknowledgment of his guilt. I never could believe in his complete innocence, but after he had repeatedly requested it, I attended him in his cell, with the honest resolution of accomplishing my duty with forbearance and humanity,

and I carry in my heart the grateful conviction that I refreshed the unfortunate man in his sorrowful hours and prepared and strengthened him for eternity. The proof of this is the sincere love he had for me, and in the name of which he confided to my care his last and dearest possessions—a letter to his father and a document he wrote in prison. I express my dearest thanks to all my German countrymen for the great and touching proofs of sympathy and confidence I received from them on all sides. But to the German Legal Protection Society and you, Mr. Editor, who, penetrated by the persuasions of his innocence, have spent night and day in endeavouring to save Müller, and have gladly sacrificed quietness, sleep, and health —to you, before all, are the thanks of Germans due, and in the name of every friend of humanity I warmly press your hand.—Highly respectfully, your devoted,

DR. LOUIS CAPPEL,

Pastor of the German Lutheran Church, St. George, in Little Alie Street, Goodman's Fields.

MULLER'S LAST WORDS.

(To the Editor of the *Sporting Times*.)

Sir,—As I happen to be the only person now living who was on the scaffold when Müller uttered his last words, I am able to contribute something definite to the controversy which the article in the *Sporting Times* has provoked. I remember the whole of the circumstances as if they had occurred last week, and I believe I shall never forget them.

The great public excitement caused by the murder of Mr. Briggs, and the striking incidents connected with the capture and conviction of Müller, was followed by more than ordinary desire to be present at the hanging. The Sheriffs made unusual preparations outside the prison, and resolved to admit none inside beyond those whose duty it was to be there, and three representatives of the Press. The three selected were the late Mr. Sarlsby, of the *Times*; the late Mr. Potter, of the *Globe*; and Mr. Clyatt, who was to represent all the rest of the papers. I was at the time a sub-editor on the *Globe*, and, as I felt my education would not be complete without having seen a hanging, I arranged that I should take Mr. Potter's place. I had an additional incentive in the fact that Mr. Gilpin's perennial motion for the abolition of capital punishment was making way, and most people supposed that, because

he was persistent, he would succeed. I was not alone in thinking it likely that Müller would be the last man hanged in this country, and I propose to tell the story of what occurred on that memorable morning.

We met the Sheriffs in the London Coffee-house, on Ludgate Hill, at seven o'clock, and shortly afterwards went round by way of Paternoster Row to a hole that had been made in the wall, through which we passed into the Court-house of the Old Bailey. After a short halt we passed into the chapel yard of the prison, and there we came in view of Müller, standing beside his gaoler, uncovered and apparently unconcerned, waiting for us. The grey light of the chill November morning gave the pair a weird look as they stood on the other side of an open doorway, for it was impossible to divest the scene of the knowledge of what was about to happen. As we approached, the gaoler led the way with Müller through other courts, and then through a corridor with black stone walls on each side, stone pavement underfoot, and an iron grating overhead, between us and the sky. I have often wondered since whether Müller knew that this corridor was the burial place of those who were hanged, and the place where he would be buried a few hours afterwards, buried in quicklime under those heavy paving stones, with no record but his initials rudely carved on the stone wall, and that only because he was a more than ordinarily famous murderer. From this grim sepulchre we passed to the Press room, a small chamber, low in the ceiling, and very much like a kitchen, with a deal table and some wooden chairs in it. Here we met Calcraft, and the duties of the gaoler were at an end. I had never seen Calcraft before, and I was very much struck with his benevolent and even amiable appearance. His snowy-white hair and beard, and his quiet, self-possessed manner, was in ridiculous contrast to everything in the nature of violence, and I could hardly conceive it possible that one of us dozen people in that little room was going to be hanged in five minutes. Calcraft, however, was as quick in his movements as he was noiseless. Scarcely had Müller been placed with his back to Calcraft, and we who had followed him arranged ourselves in a half circle in front of him, than Calcraft had buckled a broad leather belt round Müller's waist. Two small straps, fixed to this belt in the middle of the back, were as rapidly passed round the man's arms, and in a trice his elbows were fixed fast to his sides. Müller clasped his hands in the most natural manner, and in this position they were strapped together by a pair of leather handcuffs. The man was pinioned past redemption; and then began a scene that gave a thorough wrench to my nerves. Calcraft, still noiseless and unimpassioned, was moving around his victim with ominous precision. The belt was tight, the arms were fixed, the hands clasped, and

the whole frame at his mercy. He then removed the necktie, and after that the collar. With gruesome delicacy he tucked both within the waistcoat, and Müller was prepared. "You may sit down," said Calcraft quietly, but Müller declined. Cool beyond any one in the room, unless Calcraft excelled him, he stood with his short round neck fully exposed, and well placed on a pair of broad shoulders and a firm, round chest. There was not much need to argue the question as to whether Müller could or could not handle poor old Mr. Briggs. Müller was a small man, but he was the personification of strength, and with a jaw that meant dogged, resistless obstinacy of purpose. He did not appear to pay much heed to Dr. Cappel, the minister, who spoke to him in the intervals of the pinioning, and he listened, apparently without concern, as the Lutheran became more earnest in his invocation after the preparations were complete. Calcraft left the room, and we all guessed where he had gone to. It was at that time I felt as if a little more callousness would have served me well. To be a passive spectator at such a scene is not a sedative. The imagination will not leave the bare neck and the pinioned arms. One thinks of the hangman examining his rope and the hinges and bolts, and one feels a terribly eerie feeling creeping over one. I had to take myself seriously in hand, and I had resource to an odd expedient. I ate a piece of biscuit, and the distraction carried me over the horrid interval, which was made all the more impressive by the constant tolling of the bell of St. Sepulchre's Church. Presently, to my great relief, Calcraft reappeared, and the action was renewed. Dr. Cappel stood aside, and the chaplain of the gaol, Mr. Davis, led the way to the scaffold, reading the burial service. The journey was short, and those who remember the old hanging days know that the scaffold was erected outside the gaol in the Old Bailey. It was through the doorway, known as the debtor's entrance, that it was approached from the prison, and it was up a flight of about ten steps that Calcraft led Müller. Mr. Davis remained below, his duty ended there; but Dr. Cappel followed the hangman and his victim, and I followed Dr. Cappel. No one else went up, and it occurred to me that perhaps Mr. Jonas, the governor of the gaol, to say nothing of the Sheriffs, regarded my presence on the scaffold as an intrusion; but nothing seemed to me more proper, and I was well repaid for my temerity. I saw the people. Far as the eye could reach, to Ludgate Hill on the one hand and right away to Holborn on the other, the entire space, broad and distant as it was, presented an unbroken mass of human faces—types of every unholy passion that humanity is capable of—a seething sea of hideous brutality, that had been surging over the space the live long night, and was now almost still with

expectation. The mouths of the myriad of grimy, yellow faces were open, and all the thousands of eyes were upturned upon the spot where I stood with an intentness that was more appalling to me than the methodical movements of Calcraft and the unimpassioned attitude of Müller. The contrast was marvellous. The hangman was curiously busy. He passed a strap round Müller's legs and buckled it; he put the rope round Müller's neck, and tightened the slip knot just under his right ear; he slipped a noose at the other end of the rope over an iron hook depending from the crossbeam of the scaffold, and last of all he pulled a dirty yellow bag over the man's head to his chin. He then stood aside, and the conversation about which all the dispute has arisen commenced between Dr. Cappel and Müller. The minister stood close to Müller, with his feet on the very edge of the drop; I stood just behind him, but nearer the outside of the scaffold. The conversation was hurried. On Dr. Cappel's part it was earnest and excited, but Müller preserved the same stolid, unimpassioned manner that had characterised his attitude throughout. Calcraft, I noticed, disappeared as soon as they began to speak, and I can see Dr. Cappel now leaning forward, with both hands extended, as if to draw Müller's words to him as the drop fell and Müller disappeared. Calcraft had done his work well. One strong convulsion and all was over. But Dr. Cappel didn't stay to see this. As soon as he recovered from the surprise and alarm caused by the unexpected fall of the drop he dashed down the stairs with his hands aloft, and shouting as he ran, "Confessed, confessed, thank God!" After one more look at the crowd, now a roaring tumult swaying to and fro, I followed close at his heels, and the whole company pressed round him in the chaplain's room, where he told the story of Müller's last words. Three times he repeated the story within ten minutes of the scene on the scaffold, and each time he told it I took down his words, not partly, but wholly and completely, and the story did not vary. I take it that no evidence can be clearer of what Müller said than what was thrice repeated, by the only man who heard him, immediately after he did hear him. And what Dr. Cappel said was this—

"When he was standing on the drop, and all was ready, I said, 'In a few moments you will stand before God. I ask you again, and for the last time, are you innocent of this crime?'

"He said, 'I am innocent.'

"I said, 'You are innocent?'

"And he said, 'Yes, I am innocent; God knows what I have done.'

"I said this—'God knows what you have done, but knows He that you have done this particular deed?'

"And then, instead of answering me 'No,' he said, 'Ich habe es gethan' ('I have done it').

"He had confessed, and I spoke to him—'Christ have mercy upon your soul'; and I believe his very last words were as he fell, 'My God, I feel sure of it.'"

After each recital of this story, Dr. Cappel made running comments on Müller's demeanour and previous conversations he had with him. These I also took down, and the tenour of them was that Müller had never denied unequivocally that he had attacked Mr. Briggs; he always fenced the question, and Dr. Cappel's theory was that Müller declined to admit himself guilty of murder because he had not premeditated it.

Dr. Cappel evidently afterwards desired to make the confession a little more definite than his first record justified; and in his subsequent accounts of what occurred he inserted the word "Ja," or "Yes," before the "I have done it," making out that Muller answered "Yes" to his question whether God knew that he had done this particular deed. In his original account he says, "Instead of answering 'No,' he said, 'I have done it.'" In his subsequent accounts he seems to have assumed that Müller said "Yes" because he did not say "No." In this Dr. Cappel was wrong.

The curious will find in the record of the execution in the *Times* second edition a true version of the story. In the next day's *Times* the "Yes" was inserted, so that it is probable Dr. Cappel may have thought of the "Yes" before nightfall. I am certain the "Yes" was added, because it happened that Mr. Sarlsby did not take down Dr. Cappel's account of the matter. I read my notes to him before leaving the prison, and, as we were doing so, Dr. Cappel came up, and not only approved their accuracy but actually wrote the important sentence, "Ich habe es gethan," in Mr. Sarlsby's notebook. He did not write "Ja" before it. Still, it may be taken that Müller confessed to the fact, but declined to admit that he had committed murder. Dr. Cappel's words were as I have set them down, and every one can construe them for himself.—Yours, &c.,

FREDERICK WICKS.

Glasgow.

MULLER'S LAST WORDS.

(To the Editor of the *Sporting Times*.)

Sir,—I have read with much interest the letter of my old friend, Mr. Frederick Wicks, on this subject, and from the accounts which my late father (whose name you misprint

Sarlsby) used to give of the incidents of the execution, I can entirely corroborate all that Mr. Wicks so ably narrates. As he states, the Rev. Dr. Cappel wrote in my father's notebook the exact words in German which had fallen from Müller immediately before the drop fell—viz., "Ich habe es gethan." There can be no doubt that in Dr. Cappel's mind this amounted to a confession by Müller of his guilt of Mr. Briggs's murder—a confession which he had purposely delayed until the failure of every effort for a reprieve had brought him to the very brink of eternity. This was my father's fixed impression on the matter, and perhaps no one had a better opportunity of forming a judgment upon it.—Yours truly,

WILLIAM J. SOULSBY.

75 Victoria Street, S.W.

APPENDIX V.

SHORT ACCOUNT OF THE JUDGES AND COUNSEL ENGAGED IN THE CASE.

SIR JONATHAN FREDERICK POLLOCK (1783-1870) was the son of David Pollock, saddler, of Charing Cross, and brother of Sir David Pollock, Chief Justice of Bombay, and Field Marshal Sir George Pollock, the hero of the Afghan war, in 1842. Frederick Pollock was born in London on the 23rd of September, 1783, and educated at St. Paul's and Trinity College, Cambridge. He was Senior Wrangler in 1806, and in the following year was elected Fellow of his college. He was called to the bar in 1807, at the Middle Temple, and joined the Northern Circuit. By his industry, ability, and wide legal knowledge he soon acquired a very large practice both in London and on circuit. After twenty years of ever-increasing success he took silk in 1827, and in 1831 was elected as Tory member for Huntingdon, which town he represented continuously until his elevation to the bench. Sir Robert Peel made him Attorney-General in 1834, and again, when he resumed office in 1841. Sir Frederick Pollock held this office till 1844, when he was appointed Lord Chief Baron of the Exchequer, in succession to Lord Abinger, and sworn of the Privy Council. He presided over the Court of Exchequer for twenty-two years, retiring on a pension in 1866, when he accepted a baronetcy. His judicial career was

honourable and distinguished. In spite of his deep legal learning, "his leaning was ever to the side of substantial justice rather than to mere technical accuracy. Kind, gentle, and courteous, he made an admirable President of his Court, and there was no judge more fitted to conduct great criminal trials with dignity and distinction." It fell to his lot to preside over four famous trials for murder: those of the Mannings for the murder of O'Connor, in 1849; of Mullins, for the murder of Mrs. Elmsley, at Stepney, in 1860; of Müller; and of Kohl, for the Plaistow Marshes murder, in 1865. In the obituary notice of the judge in the *Times*, the writer describes how at Müller's trial "his emphatic eloquence moved the deepest feelings of the audience, among whom every sound was hushed, and every nerve painfully strained, as the full force of some apparently trivial point of evidence was pointed out, and its bearing explained to the jury." Pollock survived his retirement for four years, dying of old age on the 23rd of August, 1870. He was then eighty-seven. Married twice, the Chief Baron had eighteen children, distinguished among them being Sir William Frederick Pollock, Queen's Remembrancer, scholar, and man of letters, and Sir Charles Edward Pollock, Baron of the Exchequer (1873-1897), the last survivor of these now extinct dignitaries. Among the living grandsons of the Chief Baron who have achieved distinction in various walks of life may be reckoned Sir Frederick Pollock, Corpus Professor of Jurisprudence, Oxford, 1883-1903, and a well-known writer on legal subjects; Walter Herries Pollock, critic and man of letters; Ernest Pollock, K.C., member for Warwick in the present Parliament; and Dr. Bertram Pollock, ex-headmaster of Wellington, now Bishop of Norwich.

Sir Samuel Martin (1801-1883) was the son of Samuel Martin of Culmore, Co. Londonderry; he was born in 1801. On leaving Trinity College, Dublin, he entered Gray's Inn in 1821; he was called to the bar at the Middle Temple in 1830, after practising two years as a special pleader. He was "devil" to Sir Frederick Pollock, his friend, and later, in 1838, became his son-in-law. He joined the Northern Circuit. A good commercial lawyer, he won his first great success as an advocate in 1839, in the "Bloomsbury" case, in which he recovered for the plaintiff, Mr. Ridsdale, the Ascot Derby stakes that had been won by his colt, "Bloomsbury," but had been refused to him on the ground of a misdescription of the horse. Mr. Martin took silk in 1843, and entered Parliament as the Liberal member for Pontefract, 1847. Three years later he was appointed a Baron of the Exchequer. He sat as a

judge for twenty-four years, revered for his practical knowledge, good sense, and pleasant humour. Severe in his punishment of crime, his severity was always tempered by a natural kindness of heart. Increasing deafness alone compelled him to retire from the bench in 1874, when he was sworn of the Privy Council. He survived his retirement eleven years, dying on the 26th of January, 1883, at the age of eighty-two. His only child, a daughter, married Mr. Macnaghten, who in 1888 was created a Lord of Appeal, and still, at the age of eighty-one, continues to be one of the shining lights in that august tribunal.

Sir Robert Porrett Collier, first Lord Monkswell (1817-1886), was the elder son of Mr. John Collier, merchant, of Plymouth. After being educated partly at Plymouth and partly under private tuition, he went to Trinity College, Cambridge. Ill-health obliged him to give up a University career. He was called to the bar at the Inner Temple in 1843, joined the Western Circuit, and first won success by his defence of the Brazilian pirates, at Exeter, in 1845. He was appointed Recorder of Penzance, and entered Parliament as Liberal member for Plymouth, in 1852. He was appointed somewhat unexpectedly Solicitor-General in 1863. When the Liberal Government returned to office in 1868 he became Attorney-General. His appointment as a member of the Judicial Committee of the Privy Council, in 1871, excited some scandal, not on account of any want of merit on his part, but on account of the circumstances under which it was made. By the Privy Council Act it had been stipulated that two of the members of the Judicial Committee should be chosen from among the judges of the superior Courts at Westminster. In order to technically fulfil this qualification, Collier was appointed to a puisne judgeship in the Court of Common Pleas; he held this office for only a few days, sitting in the ill-fitting robes of his predecessor; he was then promoted to the Privy Council. The two Chief Justices, Cockburn and Bovill, protested strongly against such a violation of the dignity of the judicial bench, and the matter was taken up warmly in Parliament by Lord Westbury and Lord Cairns. At the same time no question was ever raised as to the fitness of Collier to hold the position. He sat on the Judicial Committee until his death, which occurred at Grasse on the 27th of October, 1886. In 1885 he had been created a peer, taking the title of Lord Monkswell. In addition to his high legal reputation, Lord Monkswell was an accomplished scholar, a writer of verse, and a painter. His son, the second Lord Monkswell, who died in 1909, was Chairman of the London County Council in 1903, and another son, the Hon. John Collier, is the well-known artist.

Appendix V.

William Ballantine (1812-1887) was the eldest son of William Ballantine, police magistrate; he was educated at St. Paul's and Ashburnham House, Blackheath, and called to the bar at the Inner Temple, 1834. He joined the Home Circuit and the Central Criminal Court. One of his first successes was his cross-examination, in a suit in the House of Lords, to annul the marriage of an heiress, Esther Field, on the ground of coercion and fraud, in the year 1848, when he was opposed alone to Sir Fitzroy Kelly and a number of distinguished counsel. From that moment his professional progress was steady, and he soon acquired a reputation as one of the most successful advocates of his day. In 1856 he was made Serjeant at Law, but it was not till 1863 that he obtained from Lord Westbury his patent of precedence. His name is connected with almost all the *causes célèbres* of this period. He was counsel for the Tichborne claimant in the original action for ejectment, after which he was wise enough to withdraw from the case. In 1875 he went to India at a fee of £10,000 to defend the Gaekwar of Baroda, who was accused of attempting to poison the British Resident. He succeeded in procuring the acquittal of his client. This case was the last of his great successes. Not long after he retired from active work at the bar, and died in comparative poverty. In 1882 he published his "Experiences of a Barrister's Life," a careless and disappointing work. Ballantine's gifts, particularly as a cross-examiner, were remarkable, his knowledge of human nature astute. Had he possessed greater stability of character, there can be no doubt that he would have risen to a place of far higher dignity in his profession. Montagu Williams, who knew him well, thus describes him—"The Serjeant was a very extraordinary man. He was the best cross-examiner of his kind that I have ever heard, and the quickest at solving facts. It was not necessary for him to read his brief; he had a marvellous faculty for picking up a case as it went along or learning all the essentials in a hurried colloquy with his junior. There is no point that the Serjeant might not have attained in his profession had he only possessed more ballast. He was, however, utterly reckless, generous to a fault, and heedless of the future. His opinion of men could never be relied upon, for he praised or blamed them from day to day, just as they happened to please or annoy him. He often said bitter things, but never, I think, ill-naturedly. His fault was probably that he did not give himself time to think before he spoke." Montagu Williams adds that Ballantine had great charm of manner, was never afraid of a "dead" case, and "was always cheery and bright."

James Hannen (1821-1894) was the son of James Hannen, wine merchant. He was educated at St. Paul's and Heidel-

berg University, was called to the bar in 1848, and joined the Home Circuit. After a successful career as a junior, he was appointed Attorney-General's "devil," in 1863, and in 1865 stood unsuccessfully for Parliament as a Liberal candidate. He was appointed a puisne judge of the Court of Queen's Bench, and knighted in the year 1868. In 1872 he was transferred as judge to the Court of Probate and Divorce, and in 1875 became President of the Probate, Divorce, and Admiralty Division of the High Court of Justice. It was while President of the Divorce Court that he was placed at the head of the Parnell Commission, with Sir John Day and Sir A. L. Smith. He fulfilled the difficult duties of that place with tact, dignity, and discretion. In 1891 he was made a Lord of Appeal, and held that office until his death, in 1894. It is not too much to say that no judge has left behind him a higher reputation for fairness, dignity, and learning.

Sir Hardinge Giffard, first Earl of Halsbury, the third son of Stanley Lees Giffard, editor of the *Standard* newspaper, was born on the 3rd of September, 1823. He was educated privately and at Merton College, Oxford, whence he graduated B.A. in 1845. Entering at the Inner Temple in 1846, he was called to the bar, 25th January, 1850. Attaching himself to the South Wales Circuit, and attending regularly at the Central Criminal Court and Middlesex Sessions, he from the first showed great capacity as an advocate, and in 1861 he became one of the standing counsel for the Treasury, a post which he vacated on taking silk in 1865. He figures largely in the most important prosecutions of the day, including the trial of the Fenians for the Clerkenwell explosion of December, 1867. He appeared for Governor Eyre at the Market Drayton Sessions in the same year, and for some of the defendants in the Overend and Gurney case; in the ejectment action of *Tichborne* v. *Lushington* he was led by Serjeant Ballantine for the claimant. He unsuccessfully contested Cardiff in the Conservative interest in 1868 and in 1874, and he was returned to Parliament for the first time as member for Launceston in March, 1877, having been appointed Solicitor-General, though without a seat in the House of Commons, in November, 1875, when he received the honour of knighthood. As law officer he appeared, together with Sir John Holker, in a series of sensational trials, to which reference has already been made. In the 1880 Parliament he played a prominent part, being especially conspicuous in the opposition to Mr. Bradlaugh, and he enjoyed a large practice at *nisi prius*. His most famous verdict was that of £5000 for the plaintiff in *Belt* v. *Lawes*. He became Lord Chancellor under the title of Baron

Halsbury, in June, 1885, and, following the fortunes of his party, he received the seals again in July, 1886, and June, 1895. In 1898 the dignity of an earldom was conferred upon him, and his son bears the courtesy title of Lord Tiverton. Whether on the woolsack, in the Privy Council, or in the Court of Appeal, he has shown himself a judge of the highest rank. A good authority has declared that he is in the widest sense the greatest master of the common law since Lord Mansfield.

"He quitted the bar in the heyday of his fame. The disappearance of Holker had left him perhaps the most successful advocate of his day in that class of case where the appeal is to the sentiment, the emotions, or the prejudices of the jury. An admirable speaker and a fine cross-examiner, his pugnacious and combative spirit was kept in strict subordination to the needs of the hour, while it used to be said of him that he was the only man at the bar who would stand up to Charles Russell with absolute and unmistakable confidence." — Atlay, "Victorian Chancellors," ii. 441.

John Humffreys Parry (1816-1880) was the eldest son of John Humffreys Parry, solicitor, better known to fame as a learned Welsh antiquarian. Brought up to commerce, Parry preferred a place in the printed book department of the British Museum to a seat in a merchant's office. While there he studied for the bar, to which he was called at the Middle Temple in 1843. Like many celebrated advocates, he commenced his career in the criminal Courts, attending the Home Circuit, the Central Criminal Court, and the Middlesex Sessions. He soon acquired considerable civil business, was made Serjeant at Law in 1856, and granted a patent of precedence in 1864. He appeared in many celebrated cases. He defended Manning for murder in 1849, was one of the counsel for the prosecution in the trial at bar of the Tichborne claimant, and appeared for the plaintiff in the action of *Whistler* v. *Ruskin* in 1878. He stood twice for Parliament as an advanced Liberal, unsuccessfully contesting Norwich, in 1847, and Finsbury, in 1857. He died in London on the 10th of January, 1880.

Montagu Williams, in his "Leaves of a Life," draws a very pleasant picture of Parry—"Remarkably solid in appearance, his countenance was broad and expansive, beaming with honesty and frankness. His cross-examination was of a quieter kind than that of Serjeant Ballantine. It was, however, almost as effective. He drew the witness on in a smooth, good-humoured, artful, and partly magnetic fashion. His attitude towards his adversary also was peculiar; he never indulged in bickering, was always perfectly polite, and was most to be feared when he seemed to be making a concession. If in the course of a

trial he, without being asked, handed his adversary a paper with the words, 'wouldn't you like to see this,' or some kindred observation, let that adversary beware that there was something deadly underneath." The author of a delightful little book of legal reminiscences recently published ("Pie Powder." By a Circuit Tramp) places Parry as an advocate in certain respects pre-eminent among those he recollects; "though," he says, "he may not have had the force of Russell, the silver tongue of Coleridge, or the incisive skill of Hawkins as a cross-examiner," he declares that in sheer power of persuasion with a jury Parry has never had an equal within his experience. No man was ever more popular with his profession. A good friend and a genial host, Parry must have been a delightful companion. He married the daughter of Edwin Abbott, a well-known writer on education, and for some time headmaster of the Philological School at Marylebone, where Parry had been educated. He left two sons, the second of whom, Edward Abbott Parry, recently appointed County Court judge at Lambeth, held for some time that office in Manchester, and is not only a most popular and worthy judge, but a well-known author and dramatist.

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